

## SUMMARY REPORT -

SUBJECT: COMPLAINT REGISTER INVESTIGATION NO.:  
CHICAGO POLICE DEPARTMENT

239642

DATE OF REPORT (DAY-MO-YEAR)  
05 December 1997  
07 January 1998TINSTRUCTIONS: SUBMIT ORIGINAL AND 3 COPIES IF ASSIGNED TO SAME UNIT AS ACCUSED,  
SUBMIT ORIGINAL AND 4 COPIES IF NOT ASSIGNED TO SAME UNIT AS ACCUSED.

TO: SUPERINTENDENT OF POLICE

ATTENTION ☒ ADMINISTRATOR IN CHARGE, OFFICE OF PROFESSIONAL STANDARDS  
☐ ASSISTANT DEPUTY SUPERINTENDENT, INTERNAL AFFAIRS DIVISIONFROM - INVESTIGATOR'S NAME  
Grace L. Wilson  
RANK Inv STAR NO. 64 SOCIAL SEC. NO. [REDACTED] EMPLOYEE NO. [REDACTED] UNIT ASSIGN. 113  
REFERENCE NOS. (LIST ALL RELATED C.R., C.B., I.R., INVENTORY NOS. ETC., PERTINENT TO THIS INVESTIGATION)

| ADDRESS OF INCIDENT                    |                                      |               |                     | DATE OF INCIDENT - TIME   |          | BEAT OF INCIDENT   |          | LOCATION CODE*     |                   |
|--|--------------------------------------|---------------|---------------------|---|----------|--|----------|--------------------|-------------------|
| [REDACTED]                             |                                      |               |                     | 30 Aug 97 2130  |          | 1223   |          | 17                 |                   |
| NAME                                   |                                      |               |                     | RANK  | STAR NO. | SOCIAL SEC. NO.  |          | EMPLOYEE NO.       | UNIT ASSIGN.      |
| 1. [REDACTED]                          |                                      |               |                     | Civ   |          | [REDACTED]   |          | [REDACTED]         | 146               |
| 2. Robert Poholik                      |                                      |               |                     | PO  | 10721    | [REDACTED]   |          | [REDACTED]         | 012               |
| 3.                                     |                                      |               |                     |   |          |  |          |                    |                   |
| ACCUSED                                | SEX/RACE                             | D.O.B.        | DATE OF APPOINTMENT | DUTY STATUS (TIME OF INCIDENT)  |          | <input type="checkbox"/> SWORN<br><input checked="" type="checkbox"/> CIVILIAN |          | PHYS. COND. CODE*  |                   |
|  | 1. M/H                               | [REDACTED] 57 | 07 Apr 93           | <input type="checkbox"/> ON DUTY <input checked="" type="checkbox"/> OFF DUTY |          |  |          | 01                 |                   |
|  | 2. M/W                               | [REDACTED] 66 | 29 Jun 92           | <input checked="" type="checkbox"/> ON DUTY <input type="checkbox"/> OFF DUTY |          | <input checked="" type="checkbox"/> SWORN<br><input type="checkbox"/> CIVILIAN |          | 01                 |                   |
|  | 3.                                   |               |                     | <input type="checkbox"/> ON DUTY <input type="checkbox"/> OFF DUTY            |          | <input type="checkbox"/> SWORN<br><input type="checkbox"/> CIVILIAN            |          |                    |                   |
| IF APPLICABLE - DATE ARRESTED/INDICTED |                                      |               |                     | CHARGES   |          | COURT BRANCH   |          | DISPOSITION & DATE |                   |
| 1.                                     |                                      |               |                     |   |          |  |          |                    |                   |
| 2.                                     |                                      |               |                     |   |          |  |          |                    |                   |
| 3.                                     |                                      |               |                     |   |          |  |          |                    |                   |
| COMPLAINANTS                           | NAME                                 | ADDRESS**     |                     | CITY  | STATE    | TELEPHONE  | SEX/RACE | D.O.B./AGE         | PHYS. COND. CODE* |
|  | [REDACTED]                           | [REDACTED]    |                     |   |          |  | M/H      | [REDACTED] 51      | 01                |
| VICTIMS                                | NAME                                 | ADDRESS**     |                     | CITY  | STATE    | TELEPHONE  | SEX/RACE | D.O.B./AGE         | PHYS. COND. CODE* |
|  | Sgt. James Williamson #1866 Unit 012 |               |                     |   |          |  |          |                    |                   |
| WITNESSES                              | NAME                                 | ADDRESS**     |                     | CITY  | STATE    | TELEPHONE  | SEX/RACE | D.O.B./AGE         | PHYS. COND. CODE* |
|  |                                      |               |                     |   |          |  |          |                    |                   |

☐ SEE ATTACHED SHEET FOR ADDITIONAL ACCUSED, COMPLAINANTS, VICTIMS, WITNESSES.

\* SEE REVERSE SIDE FOR CODES, INSTRUCTIONS FOR STATING ALLEGATIONS, AND COMPLETING THE REMAINDER OF THE SUMMARY REPORT.

\*\* IF CPD MEMBER, LIST RANK, STAR, SOCIAL SECURITY, EMPLOYEE NOS. IN ADDRESS, PAX/BELL IN TELEPHONE BOX.

## ALLEGATIONS

Sgt. James Williamson, Star #1866, Unit 012, contacted the Office of Professional Standards on 30 August 1997 at 2235 hours and registered a complaint with Inv. Wilmouth, Star #82, on behalf of the complainant, [REDACTED] who is [REDACTED] assigned to Unit 146. Sgt. Williamson, Star #1866, also is a complainant in this investigation. Sgt. Williamson alleged that on 30 August 1997 at approximately 2130 hours or thereabout, during the course of [REDACTED] arrest at [REDACTED] 1) refused to leave the area during a narcotics investigation when asked to do so and struggled during his arrest. It is further alleged that [REDACTED] told Officers Scott Martin and Robert Poholik, 2) "I'll have your jobs. You don't know who your fucking with".

## INSTRUCTIONS

AFTER COMPLETING THE FORM, CONTINUE THE SUMMARY REPORT ON 8½ x 11 INCH WHITE PAPER.

### 1. ALLEGATIONS

In narrative form, state how, when, where, and by whom the complaint was received. State the date, time, and location where the incident occurred, and summarize the complaint. If more than one allegation is made, enumerate each allegation as follows:

- No. 1 (Summarize the allegation)
- No. 2 (Summarize the allegation)

### 2. EVIDENCE

Number and attach all statements, reports, and other evidence gathered, on the lower right hand corner. The Complaint Register number must also be entered on the lower right hand corner of each attachment. Following are examples of attachments and the sequence in which they may be numbered (EXAMPLES ONLY).

Attachments:

- No. 1 Complaint Against Department Member
- No. 2 Letter of complaint from victim
- No. 3 Statement of victim
- No. 4 Statement of witness (give name)
- No. 5 Report of member (give name)
- No. 6 Statement of member (give name)
- No. 7 Progress report of investigator (give name)
- No. 8 Copy of certified letter to complainant
- No. 9 Copy of Alcoholic Influence Report (accused)
- No. 10 General Offense Case Report, R.D. \_\_\_\_\_
- No. 11 Injury on Duty Report (give name of injured)

### 3. INVESTIGATION

In narrative form, indicate the fact-finding processes followed and the information ascertained as a result of the investigation. Whenever reference is made to an attachment, indicate the attachment number.

### 4. FINDINGS

Each allegation must be classified as either of the following:

Unfounded - Exonerated - Not Sustained - Sustained.

If the classification is "Sustained," indicate the rule number violated, the context of the rule, and how the rule was violated by the member.

Example: Allegation No. 1. Unfounded

Allegation No. 1. Sustained - Violation of Rule 12, Failure to wear the uniform as prescribed, in that on 27 Feb 84 the accused was found to be wearing a non-prescribed short sleeve shirt.

Even though the original allegation(s) may be Unfounded, etc., the

investigation may uncover a violation of serious nature unrelated to the original complaint, in which case disciplinary action should be recommended for the other violation.

Example: Allegation No. 1. Unfounded

Allegation No. 2. Not Sustained

Other violation: Sustained - Violation of Rule 26, Failure to provide the Department with a current address and telephone number, in that the accused related in his statement that he had moved and obtained a new telephone number and he had failed to provide this information to the Department.

### SUMMARY OF PREVIOUS DISCIPLINARY ACTIONS and RECORD OF PREVIOUS COMPLIMENTARY HISTORY

IN SUSTAINED CASES ONLY, copies of the accused member's Summary of Previous Disciplinary Actions and Record of Previous Complimentary History will be included as attachments to the final investigation report. Refer to the General Order entitled "Complaint and Disciplinary Procedures."

### 5. RECOMMENDATION FOR DISCIPLINARY ACTION

One (overall) recommendation for disciplinary action will be made by the investigator. The recommendation will be for all sustained findings; recommendations will not be made for each sustained allegation.

- Examples:
- 1. Violation noted, no disciplinary action warranted.
  - 2. That the accused member be reprimanded.
  - 3. That the accused member be suspended for \_\_\_ days (not to exceed 30 days).
  - 4. That the accused member be separated from the Department.

6. DATE INITIATED: (Date complaint was received for investigation)

7. DATE COMPLETED: (Date of this report)

8. ELAPSED TIME: (Total time, expressed in days)

| (Investigator) |      |          |      |
|----------------|------|----------|------|
| Rank           | Name | Star No. | Unit |
|                |      |          |      |

### 9. APPROVALS

The investigator will initiate the Command Channel Review form (CPD-44.113) by completing the Investigator Section.

#### I.A.D. LOCATION CODES

- |                                  |  |
|----------------------------------|--|
| 01 Food Sales/Restaurant         | 11 Public Transportation Veh./Facility |
| 02 Tavern/Liquor Store           | 12 Park District Property              |
| 03 Other Business Establishment  | 13 Airport                             |
| 04 Police Building               | 14 Public Property - Other             |
| 05 Lockup Facility               | 15 Other Private Premise               |
| 06 Police Maintenance Facility   | 16 Expressway/Interstate System        |
| 07 CPD Automotive Pound Facility | 17 Public Way - Other                  |
| 08 Other Police Property         | 18 Waterway, Incl. Park District       |
| 09 Police Communications System  | 19 Private Residence                   |
| 10 Court Room                    |  |

#### I.A.D. PHYSICAL CONDITION CODES

- 01 No Visible Injury - Apparently Normal
- 02 No Visible Injury - Under Influence
- 03 Injured, Not Hospitalized
- 04 Injured, Not Hospitalized - Under Influence
- 05 Injured, Hospitalized
- 06 Injured, Hospitalized - Under Influence
- 07 Injured, Refused Medical Aid
- 08 Injured, Refused Medical Aid - Under Influence
- 09 Deceased
- 10 Deceased - Under Influence

ADDITIONAL COMPLAINANTS:

PO Robert Poholik, #10721, Unit 012

PO Scott Martin, #16449, Unit 012

ALLEGATIONS (Continued)

██████████ alleged that during his arrest on 30 August 1997 at approximately 2130 hours, while in the vicinity of ██████████ Officer Robert Poholik, Star #10721, Unit 012, 1) threw him to the ground and 2) slapped him on the face while inside the squad car. It is further alleged that Officer Poholik 3) slapped ██████████ inside the district station and while at ██████████ Officer Poholik 4) physically mistreated ██████████ by punching him during his arrest.

EVIDENCE/ATTACHMENTS:

1. Face Sheet
2. Initiation Report
3. Crime Scene Processing Report
- 3A-3E. Photos of ██████████ taken by an Evidence Technician
4. Arrest Report on ██████████
5. Lockup Screening Log for ██████████
6. Request for Interview with ██████████
7. Notification of Charges/Allegations for ██████████
8. Administrative Proceedings Rights for ██████████
9. Waiver/Request to Secure Counsel for ██████████
10. Notification of Charges/Allegation for ██████████
11. Administrative Proceedings Rights for ██████████
12. Statement of ██████████
13. Message from ██████████
14. Arrest Report for ██████████
- 14A. Lockup Screening Log for ██████████
15. Letter Sent to ██████████
16. Postal Receipt for letter sent to ██████████
17. Canvass
18. Request for Evidence Identification Photographs
19. Case Report - RD ██████████ (Delivery of a Controlled Substance)
20. Arrest Report for ██████████

EVIDENCE/ATTACHMENTS (Continued)

- 20A. Lockup Screening Log
- 21. Arrest Report for [REDACTED]
- 21A. Lockup Screening Log
- 22. To/From from Inv. III C. Smith, RE: Attempt to contact witnesses
- 22A. To/From from Inv. II G. Wilson
- 23. Letter Sent to [REDACTED]
- 24. Letter Sent to [REDACTED]
- 25. Oral Interview with [REDACTED]
- 26. To/From from Inv. III C. Smith
- 27. Returned Letter Sent to [REDACTED]
- 28. Postal Receipt signed by [REDACTED]
- 29. Request for Interview
- 30. Request for Interview
- 31. Request for Interview
- 32. Request for Interview
- 33. Request for Interview
- 34. Request for Interview
- 35. Fax Message
- 36. Notification of Charges for PO Robert Poholik, #10721, 012th District
- 37. Administrative Proceedings Rights for PO Robert Poholik, Star #10721, 012th District
- 38. Request/Waiver of Counsel for PO Robert Poholik, Star #10721, 012th District
- 39. Fax Message
- 40. Fax Message
- 41. Statement of Officer Gary Makowski
- 42. Fax Message
- 43. Fax Message
- 44. Statement of Officer Scott Martin
- 45. Statement of Officer Humberto Candelario
- 46. Statement of Officer Jean Borja
- 47. Statement of Officer Antonio Ponce
- 48. Notification of Charges/Allegations for Officer Robert Poholik
- 49. Administrative Proceedings Rights for Officer Robert Poholik
- 50. Statement of Officer Robert Poholik
- 51. Oral Interview with [REDACTED]
- 52. Notification of Charges/Allegations for [REDACTED]
- 53. Administrative Proceedings Rights for [REDACTED]
- 54. Statement of [REDACTED]

EVIDENCE/ATTACHMENTS (Continued)

- 55. Disclosure of Information Form
- 56. Message
- 57. Request for Medical Records
- 58. [REDACTED] Medical Records
- 59. Court Sheet
- 60. Investigator's Case Log

INVESTIGATION:

Sgt. Williamson, Star #1866, Unit 012, contacted the Office of Professional Standards on 30 August 1997 at 2235 hours and registered a complaint with Inv. Wilmouth, Star #82, on behalf of the complainant, [REDACTED] who is [REDACTED] assigned to Unit 146. [REDACTED] made various allegations of physical abuse against Officer Robert Poholik, which abuse allegedly occurred during [REDACTED] arrest. (Att. #2)

Sgt. Williamson further reported that he was on the scene of [REDACTED] arrest and witnessed same. Sgt. Williamson reported that [REDACTED] stepped from a bar during a narcotics investigation where a large crowd had gathered. Tactical officers at the scene had radioed for assistance and Officer Poholik and his partner, Officer Scott Martin, responded. Sgt. Williamson reported that [REDACTED] was asked numerous times to leave the area, but refused and was subsequently placed under arrest. [REDACTED] began to struggle with Officer Poholik and was placed on the ground and handcuffed. [REDACTED] was transported to the 012th district by Officers Poholik and Martin and charged with Disorderly Conduct. (Att. #2)

Sgt. Williamson reported that while inside the 012th District [REDACTED] informed Officers Poholik and Martin that he was a Police Department employee so Sgt. Williamson interviewed him. Sgt. Williamson stated that [REDACTED] told him that he should not have been arrested because he was just trying to see what was going on and added that the arresting officers had no right to make him leave the area. [REDACTED] told Sgt. Williamson that Officer Poholik threw him to the ground and slapped him on his face at the scene of arrest and that once inside the 012th District Station Officer Poholik slapped him on both sides of his face numerous times while he was handcuffed to a wall. (Att. #2)

Sgt. Williamson stated that he did not witness Officer Poholik commit any misconduct during [REDACTED] arrest. Sgt. Williamson stated that [REDACTED] struggled briefly with Officer Poholik who placed him into a squad car.

Sgt. Williamson reported that Officers Scott Martin, Gary Makowski, Humberto Candalario and Antonio Ponce were witnesses to [REDACTED] arrest. (Att. #2)

[REDACTED] provided two interviews - one at the onset of the investigation and the second after once the accused and the witness officers were interviewed. [REDACTED] stated that he was [REDACTED] and had consumed approximately four beers when he noticed other patrons of the tavern getting up and going towards the front door. [REDACTED] stated that he stood inside near the front door, and watched as Officer Poholik stood over a male/Hispanic named [REDACTED] and began striking him in the face. [REDACTED] stated that he yelled at Officer Poholik, telling him to stop beating [REDACTED] and admonished him for doing so, since [REDACTED] was already handcuffed. [REDACTED] stated that Officer Poholik told [REDACTED] to leave the area, but he responded that he was on private property and was just watching the arrest and minding his own business. Officer Poholik walked towards [REDACTED] and stated, "Come on" and [REDACTED] asked, "For what?" and Officer Poholik told [REDACTED] he was under arrest. [REDACTED] asked Officer Poholik why he was being arrested, but Officer Poholik grabbed [REDACTED] by his shirt and threw him forward towards the ground causing scrapes on his left shoulder and right elbow. [REDACTED] stated that he lost consciousness at this point and only recalled being dragged to the squad car. [REDACTED] stated that he was transported to the district along with [REDACTED] by the arresting officers, identified as Officers Poholik and Martin. [REDACTED] stated that while inside the squad car Officer Poholik slapped his face, so he told him that he worked with the Chicago Police Department and alleged that Officer Poholik was committing "police brutality". (Atts. #12,#54)

[REDACTED] continued that once inside the District Station Officer Poholik chained him to a wall and [REDACTED] was placed in another interview room. [REDACTED] stated that Officer Poholik began asking him questions, but when he responded Officer Poholik would slap [REDACTED]. [REDACTED] stated that Officer Poholik returned with some supervisors including Sgt. Williamson. [REDACTED] told Sgt. Williamson his unit of assignment and identified his commander and supervisors and further stated that he wanted to file a C.R. Number against Officer Poholik.

R/I asked [REDACTED] if he fought, threatened, struggled or resisted arrest and he stated that he did not remember because he passed out. In a later interview he stated that "no". [REDACTED] stated that he did not make any physical contact with Officer Poholik. R/I asked [REDACTED] if he told the police that they could not come inside the tavern and he stated, "no" and added, "I'm not the owner, I'm just a patron there".

R/I asked [REDACTED] why he did not leave the area as instructed by the police and he stated that he was not doing anything wrong and felt that Officer Poholik wanted him to leave so he

would not witness what was going on. [REDACTED] stated that he was not standing outside the tavern, but was near the second open door and the incident occurred outside the tavern approximately 10 feet away. R/I asked [REDACTED] if he told the arresting officers, "I'll have your jobs" or "You don't know who you're fucking with" and he stated that he never said this.

R/I asked [REDACTED] to describe his injuries after allowing him to review the photos taken of him by an Evidence Technician. [REDACTED] stated that his right eye was swollen as a result of being slapped by Officer Poholik and he had dirt on his left shoulder after Officer Poholik threw him to the ground. He sustained a scrape on his left shoulder and right elbow as a result. (Atts. #12, #54)

R/I viewed [REDACTED] photos, but they revealed no noticeable injury. (Atts. #3-#3E)

[REDACTED] medical records indicate that he visited [REDACTED] on 11 September 1997, approximately 12 days after the incident occurred, and sought emergency room treatment for pain to his elbow and knees. [REDACTED] told the hospital staff he was trying to break up a fight when his injuries occurred and was diagnosed as having sustained contusions on his knees. [REDACTED] was prescribed Tylenol #3. (Att. #57)

The Screening Log indicates that [REDACTED] had no obvious pain or injury when admitted to the lockup. (Att. #5)

[REDACTED] Arrest Report indicates that he was arrested on 30 August 1997 at 2130 hours by Officers Pholik and Martin for Disorderly Conduct. The narrative portion of the report states that Officers Pholik and Martin responded to an assist call made by 012th District tactical officers which resulted in the arrest of four offenders. [REDACTED] Arrest Report states that once Officers Poholik and Martin arrived they observed a crowd gathering so they asked [REDACTED] to leave, but he refused and told the officers that he did not have to leave. [REDACTED] was placed under arrest using "necessary force" and transported by Officers Poholik and Martin to the district station for processing. (Att. #4)

The related Case Report and subsequent Arrest Reports indicate that [REDACTED] were arrested for Delivery of a Controlled Substance on 30 August 1997 at 2130 hours by Officers Candelario, Borja and Ponce. The narrative portion of the Case Report states that the arresting officers were traveling eastbound on [REDACTED] when they observed several male/Hispanics standing near [REDACTED] which is a targeted location known for gang and narcotic-related activities. The arresting officers observed a drug transaction so they approached the offenders for a field interview, but [REDACTED] threw a small bottle containing suspect PCP and fled with Officer Candelario in pursuit. [REDACTED] was

apprehended and detained. Officer Borja recovered the bottle. Officer Candelario told Officer Ponce to detain [REDACTED] for Delivery of a Controlled Substance. (Atts. #14, #19, #20, #21)

The Arrest Reports of [REDACTED] indicate that [REDACTED] were arrested for Delivery of a Controlled Substance and were transported to the District Station by Officers Candelario, Borja and Ponce while [REDACTED] was arrested for Possession of a Controlled Substance and was also transported by Officers Candelario, Borja and Ponce. (Atts. #14, #20, #21)

Several attempts were made to contact [REDACTED] but these attempts were met with negative results.

[REDACTED] provided a brief oral telephone interview. [REDACTED] stated that on 30 August 1997 he was arrested with [REDACTED] and a man known only to him as [REDACTED]. [REDACTED] refused to provide any details surrounding his arrest, except to say that [REDACTED] were arrested by three male/Hispanic officers dressed in plainclothes, who just walked up to them and placed them in handcuffs. [REDACTED] stated that [REDACTED] were driven to the station together following their arrest, but [REDACTED] was transported by another squad car. [REDACTED] stated that once inside the station he and [REDACTED] were placed in separate rooms. [REDACTED] stated that he never saw [REDACTED] abused in his presence at the scene of arrest and had nothing further to add. (Att. #25)

[REDACTED] provided a brief oral telephone interview. [REDACTED] stated that he was riding a bike when he saw [REDACTED]. [REDACTED] stated that prior to seeing [REDACTED] he had consumed a beer and was intoxicated. [REDACTED] stated that he saw several officers approaching him and was afraid because he was on probation for theft and did not want to be arrested. [REDACTED] stated that he ran, but decided to stop since he had not committed any crime. [REDACTED] stated that a male plainclothes officer told him to get on the ground and he complied. [REDACTED] stated that he was dizzy and could not recall whether or not the officer was white or Hispanic. [REDACTED] stated that he felt something hit him on the head and he was placed in a squad car and taken by himself to the station. Once at the station he saw [REDACTED] along with other arrestees. [REDACTED] stated that he did not witness anyone else's arrest. [REDACTED] stated that he was not injured during the incident. (Att. #51)

Officer Scott Martin, the officer who arrested [REDACTED] stated that he and Officer Poholik were on routine patrol when they monitored a call for assistance by members of the tactical team. They went to [REDACTED] and placed the subject, later identified as [REDACTED] inside their squad car and brought him to [REDACTED] where the rest of the tactical team was located.

Once the officers arrived at [REDACTED] Officer Martin observed four subjects standing near a wall so Officer Martin remained inside the squad car with the prisoner while Officer Poholik exited the vehicle to assist the tactical officers. Officer Martin stated that he saw a crowd gathering. Officer Poholik returned to the squad car with [REDACTED] in custody and once he was placed inside the squad car he was transported to the district station for processing. (Att. #44)

Tactical Officers Candelario and Borja provided written statements. Officer Candelario and Borja stated that they observed a narcotics transaction at [REDACTED] but when Officer Candelario approached the offenders for a field interview [REDACTED] ran, but Officer Candelario pursued him on foot while Officer Borja followed him in the squad car. Officer Ponce remained with the other offenders. [REDACTED] was apprehended at [REDACTED] and narcotics were recovered. Once Officers Candelario and Borja returned to where Officer Ponce was holding the other offenders Officer Candelario noticed that a crowd had gathered. The offenders involved in the narcotics incident along with another male/Hispanic were taken into custody. Officer Candelario and Officer Borja stated that they did not observe [REDACTED] arrest and added that [REDACTED] was already taken into custody by the time he returned to [REDACTED]. Officer Candelario and Officer Borja denied witnessing any misconduct of any kind. (Atts. #45, #46)

Officer Makewski provided a written statement. Officer Makewski stated that he responded to a call for assistance by Officers Ponce, Borja and Candelario, but by the time he responded the narcotics suspects were in custody, but the narcotics had not been recovered so he began searching for same. Officer Makewski stated that he saw patrons of a nearby tavern coming into the street. [REDACTED] was standing near the doorway yelling at the officers and telling them they could not enter the tavern because it was private property. Officer Makewski stated that the next thing he saw was [REDACTED] being taken to the squad car by a uniformed officer.

R/I asked Officer Makewski if he observed any injuries on [REDACTED] and he stated "no", but he added that he heard [REDACTED] yelling, but could not recall what he was saying. Officer Makewski stated that he did not observe [REDACTED] fight anyone, but he was described as "loud" and smelling of alcohol. Officer Makewski stated that he did not observe any misconduct on the part of any Department member. (Att. #41)

Officer Antonio Ponce provided a written statement. Officer Ponce stated that after observing a drug transaction at [REDACTED] he remained at that location with some offenders while Officers Candelario and Borja chased another offender on foot. Officer Ponce stated that he radioed for assistance and once it arrived he patted down two offenders and placed them into a squad car. A third offender was brought to [REDACTED] afterwards and Officers Borja

and Candelario returned to the scene also. Officer Ponce stated that while en route to the station he was informed that there was a fourth arrestee, namely [REDACTED] but he denied witnessing his arrest. Officer Ponce denied witnessing any misconduct on the part of any Department member. (Att. #47)

Accused Officer Robert Poholik, provided a written statement. Officer Poholik stated that he and Officer Martin monitored a call for assistance by tactical officers identified as Borja, Ponce and Candelario. Once they responded to the call at [REDACTED] he saw Officers Candelario and Borja placing a subject, namely [REDACTED] into custody. Officer Poholik stated that he and Officer Martin placed [REDACTED] in their vehicle and left to meet Officer Ponce, who was detaining other possible offenders down the street. Once they arrived at [REDACTED] Officer Poholik saw Officer Ponce searching an offender near a bar and he noticed that a large crowd had gathered so he asked the crowd to disperse. The crowd began to disperse except [REDACTED] who had walked out of the bar onto the sidewalk. Officer Poholik stated that he asked [REDACTED] several times to leave, but he refused and added that he did not have to listen. Officer Poholik threatened [REDACTED] with arrest, but he remained at the scene so Officer Poholik told [REDACTED] that he was under arrest for Disorderly Conduct. [REDACTED] refused to put his hands behind his back when asked, but swung his arms and kicked. Officer Poholik stated that he grabbed [REDACTED] arms, placed him on the ground by putting pressure on his arms above his elbows, placed both his hands behind his back and handcuffed him. Officer Poholik stated that he weighs 235 pounds and [REDACTED] weighs approximately 155 pounds so he did not have to use a lot of force to place him on the ground. Officer Poholik stated that he picked [REDACTED] up and placed him inside his squad car. Officer Poholik stated that when he picked [REDACTED] up he stated, "You don't know who you're fucking with. I'll have your jobs".

Officer Poholik stated that he did not observe any visible injuries on [REDACTED] nor did he complain of any. He added that [REDACTED] did have a strong odor of alcohol on him and seemed irrational and loud. Officer Poholik denied all allegations lodged against him. (Att. #50)

#### CONCLUSION:

The R/I is closing this investigation with a finding of Not Sustained against Officer Poholik and [REDACTED]. Without the cooperation of [REDACTED] it is difficult to ascertain which account of the incident is more credible.

FINDINGS:

Allegations #1-#2

NOT SUSTAINED against [REDACTED]  
[REDACTED] Unit 146

Allegations #1-#4

NOT SUSTAINED against Officer Robert Poholik, Star #10721,  
Unit 012

DATE INITIATED: 2 September 1997  
DATE COMPLETED: 5 December 1997  
ELAPSED TIME: 94 Days

[REDACTED]  
Investigator Grace Wilson, Star #64

APPROVED:

[REDACTED]  
O.P.S. Supervisor James Henry, Star #104

/lt

SUMMARY REPORT DIGEST-  
COMPLAINT REGISTER INVESTIGATION NO.:  
CHICAGO POLICE DEPARTMENT

235418

DATE OF REPORT (DAY-MO-YEAR)  
29 April 1997  
24 June 1997T

To be used in all cases that are to be classified as either EXONERATED, UNFOUNDED, NOT SUSTAINED, or in SUSTAINED cases where the Disciplinary Recommendation does not exceed FIVE (5) DAYS SUSPENSION.

SUBMIT ORIGINAL AND 3 COPIES IF ASSIGNED TO SAME UNIT AS ACCUSED.  
SUBMIT ORIGINAL AND 4 COPIES IF NOT ASSIGNED TO SAME UNIT AS ACCUSED.

TO: SUPERINTENDENT OF POLICE

ATTENTION ☒ ADMINISTRATOR IN CHARGE, OFFICE OF PROFESSIONAL STANDARDS  
☐ ASSISTANT DEPUTY SUPERINTENDENT, INTERNAL AFFAIRS DIVISION

|  |  |   |   |                               |   |                     |
|--|--|---|---|-------------------------------|---|---------------------|
| FROM- INVESTIGATOR'S NAME<br>Tellas Chandler |  | RANK<br>Inv                               | STAR NO.<br>87  | SOCIAL SEC. NO.<br>[REDACTED] | EMPLOYEE NO.<br>[REDACTED]              | UNIT ASSIGN.<br>113 |
| ADDRESS OF INCIDENT<br>[REDACTED]            |  | DATE OF INCIDENT - TIME<br>18 Mar 97 2300 |   | BEAT OF INCIDENT<br>1222      | LOCATION CODE*<br>04                    |                     |
| NAME<br>1. Robert Poholik                    |  | RANK<br>PO                                | STAR NO.<br>10721   | SOCIAL SEC. NO.<br>[REDACTED] | EMPLOYEE NO.<br>[REDACTED]              | UNIT ASSIGN.<br>012 |
| NAME<br>2. James Daniels                     |  | RANK<br>PO                                | STAR NO.<br>6182  | SOCIAL SEC. NO.<br>[REDACTED] | EMPLOYEE NO.<br>[REDACTED]              | UNIT ASSIGN.<br>012 |
| ACCUSED                                      | SEX/RACE D.O.B.                        | DATE OF APPOINTMENT                       | DUTY STATUS (TIME OF INCIDENT)  |                               | SWORN CIVILIAN                          | PHYS. COND. CODE†   |
|  | 1. M/W [REDACTED] 66                   | 29 Jun 92                                 | <input checked="" type="checkbox"/> ON DUTY <input type="checkbox"/> OFF DUTY |                               | <input type="checkbox"/> SWORN CIVILIAN | 01                  |
|  | 2. M/W [REDACTED] 67                   | 05 Jul 94                                 | <input checked="" type="checkbox"/> ON DUTY <input type="checkbox"/> OFF DUTY |                               | <input type="checkbox"/> SWORN CIVILIAN | 01                  |
|  | IF APPLICABLE - DATE ARRESTED/INDICTED |   | CHARGES   | COURT BRANCH                  | DISPOSITION & DATE                      |                     |
| 1.   |  |   |   |                               |   |                     |
| 2.   |  |   |   |                               |   |                     |
| COMPLAINANTS                                 | NAME                                   | ADDRESS**                                 | CITY STATE  | TELEPHONE                     | SEX/RACE                                | D.O.B./AGE          |
|  | [REDACTED]                             | [REDACTED]                                | [REDACTED]  | [REDACTED]                    | F/H                                     | [REDACTED] 71       |
| VICTIMS                                      | NAME                                   | ADDRESS**                                 | CITY STATE  | TELEPHONE                     | SEX/RACE                                | D.O.B./AGE          |
|  | [REDACTED]                             | [REDACTED]                                | [REDACTED]  | [REDACTED]                    | M/H                                     | [REDACTED] 69       |
| WITNESSES                                    | NAME                                   | ADDRESS**                                 | CITY STATE  | TELEPHONE                     | SEX/RACE                                | D.O.B./AGE          |
|  | [REDACTED]                             | [REDACTED]                                | [REDACTED]  | [REDACTED]                    | [REDACTED]                              | [REDACTED]          |

☐ SEE ATTACHED SHEET FOR ADDITIONAL ACCUSED, COMPLAINANTS, VICTIMS, WITNESSES

ALLEGATIONS

The complaint was received in the Office of Professional Standards via the Bell on 19 March 1997, at 0800 hours. The complainant alleged that on 18 March 1997, at approximately 2300 hours, inside the 012th District station, Officer Poholik: 1) slapped and punched [REDACTED] about his face and head. [REDACTED] further alleged that Officers Poholik and Daniels: 2) picked him up off the floor and then dropped him to the floor several times.

I.A.D. LOCATION CODES\*

|                                  |  |
|----------------------------------|--|
| 01 Food Sales/Restaurant         | 11 Public Transportation Veh./Facility |
| 02 Tavern/Liquor Store           | 12 Park District Property              |
| 03 Other Business Establishment  | 13 Airport                             |
| 04 Police Building               | 14 Public Property - Other             |
| 05 Lockup Facility               | 15 Other Private Premise               |
| 06 Police Maintenance Facility   | 16 Expressway/Interstate System        |
| 07 CPD Automotive Pound Facility | 17 Public Way - Other                  |
| 08 Other Police Property         | 18 Waterway, Incl. Park District       |
| 09 Police Communications System  | 19 Private Residence                   |
| 10 Court Room                    |  |

I.A.D. PHYSICAL CONDITION CODES†

|   |
|---|
| 01 No Visible Injury - Apparently Normal          |
| 02 No Visible Injury - Under Influence            |
| 03 Injured, Not Hospitalized                      |
| 04 Injured, Not Hospitalized - Under Influence    |
| 05 Injured, Hospitalized                          |
| 06 Injured, Hospitalized - Under Influence        |
| 07 Injured, Refused Medical Aid                   |
| 08 Injured, Refused Medical Aid - Under Influence |
| 09 Deceased                                       |
| 10 Deceased - Under Influence                     |

1. I.A.D. MEMBER, LIST RANK, STAR, SOCIAL SECURITY, EMPLOYEE NO. IN ADDRESS BOX, PAY/BELL IN, TELEPHONE BOX

CPL 44 1128 10/BK

C.A. NO.

235418

Briefly summarize the investigation describing your efforts to prove or disprove the allegation(s). Indicate whether witnesses or evidence support or do not support the allegation(s). In sustained cases ONLY, copies of the accused member's Summary of Previous Disciplinary Actions and Record of Previous Complimentary History will be included as attachments.

SEE PAGE TWO

SUMMARY

ATTACHMENTS

| INVESTIGATIVE REPORTS—<br>SUPPORTING ALLEGATION<br>LIST ATTACHMENT NUMBERS: | INVESTIGATIVE REPORTS—<br>SUPPORTING ACCUSED MEMBER(S)<br>LIST ATTACHMENT NUMBERS: | PHYSICAL EVIDENCE<br>LIST ATTACHMENT NUMBERS: | TOTAL NUMBER OF ATTACHMENTS<br>SUBMITTED WITH THIS FILE: |
|---|--|---|--|
| 6   | 20, 26   | 17  | 27   |

Summarize the findings and recommendations. Rule violations will be cited by number only. One overall recommendation for Disciplinary Action will be made by the investigator. The recommendation will be for ALL sustained findings; recommendations will NOT be made for each sustained allegation.  
Example: 1. Violation noted, no disciplinary action warranted. 2. That the accused member be reprimanded. 3. That the accused member be suspended for .... days (not to exceed 5 days).

FINDINGS:

Allegation #1: NOT SUSTAINED against Officer Robert Poholik

Allegation #2: NOT SUSTAINED against Officers Robert Poholik and James Daniels

APPROVED:

[REDACTED]

OPS Acting Supervisor Michael Duffy, #14

/1b

FINDINGS—RECOMMENDATIONS

DATE INITIATED  
(DATE COMPLAINT WAS  
RECEIVED FOR INVESTIGATION) 20 Mar 97

DATE COMPLETED  
(DATE OF THIS  
REPORT) 29 Apr 97

ELAPSED TIME  
(TOTAL TIME  
EXPRESSED IN DAYS) 40

Investigator will initiate the Command Channel Review form by completing the Investigator's Section

IF NECESSARY, USE A 16 x 11 SHEET

[REDACTED]

OFFICE OF PROFESSIONAL STANDARDS

C. R. #235418

Page 2

SUMMARY OF INVESTIGATION:

The victim, [REDACTED] alleged that he was with [REDACTED] when they were stopped by the police and asked to step from the car. [REDACTED] was searched and then taken to the 012th District and placed in an interview room. [REDACTED] alleged that Officer Poholik ran a name check on him and found that he had an outstanding warrant. Officer Poholik then slapped [REDACTED] a couple of times and punched him on his temple. [REDACTED] called Officer Poholik a "motherfucker" and a "son-of-a-bitch" and threatened him to a fight. With this, Officer Poholik and his partner, Officer Daniels, lifted [REDACTED] off the floor and dropped him. [REDACTED] alleged that the officers did this to him two or three times. Officer Poholik then punched [REDACTED] about his face and head until he passed out. When [REDACTED] regained consciousness, he was taken to the lockup and then to [REDACTED]

[REDACTED] was supposed to supply the reporting investigator with information on how to contact [REDACTED] but he never did supply this information.

The arrest report of [REDACTED] indicates that he was stopped for traffic violations and a name check revealed that he had an outstanding warrant.

The lockup screening report indicates that when [REDACTED] was received in the lockup, he had swelling to his left eye and that he was complaining of blurred vision. [REDACTED] told the lockup personnel that he had just been released from [REDACTED] and that he needed his medicine. He was then transported to [REDACTED]

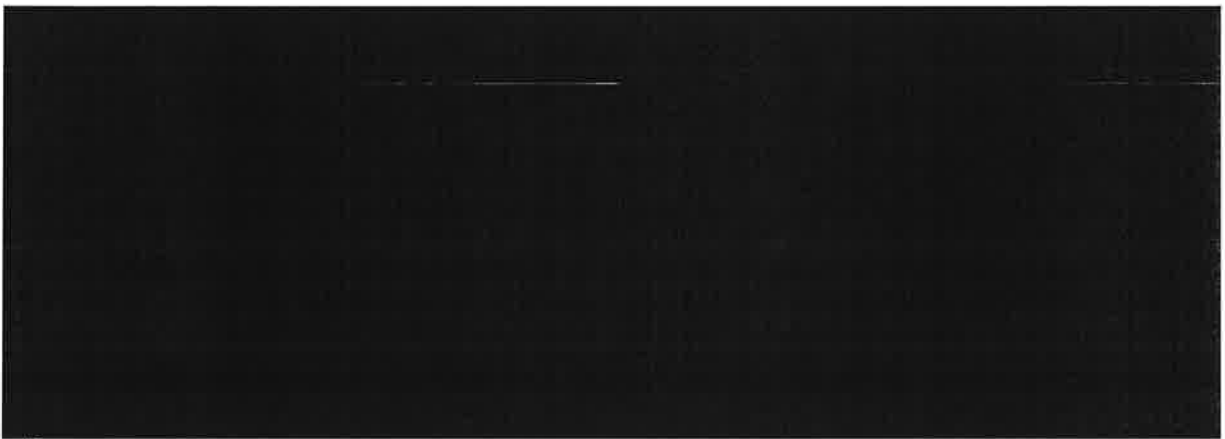
The medical records from [REDACTED] indicate that when [REDACTED] was examined, he complained that he had been punched and kicked by the police after his arrest. The medical examination revealed swelling and discoloration under his left eye and swelling and tenderness to his leg and neck.

Officer Poholik gave a statement in the Office of Professional Standards and he related that [REDACTED] was stopped after he was observed speeding and running two traffic lights. [REDACTED] was asked to step from his vehicle and show his driver's license. [REDACTED] did not have a driver's license and was placed in custody and taken to the 012th District for processing. A name check was run on him and it came back that he had a warrant. At this point, [REDACTED] became very irate and started screaming that he was psychotic and needed his medicine. The officers informed the desk sergeant that [REDACTED] needed medicine and called for a transport because they were ending their tour of duty. Officer Poholik stated that when [REDACTED] was first taken into custody, he noticed that [REDACTED] had some puffiness around one of his eyes which appeared to be from an old injury. Officer Poholik categorically denied the allegations

OFFICE OF PROFESSIONAL STANDARDS  
C. R. #235418  
Page 3

made against him.

Officer Daniels also gave a statement at the Office of Professional Standards and he related essentially the same account of his incident as Officer Poholik. Officer Daniels denied the allegations made against him.



/lb

SUMMARY REPORT DIGEST-  
COMPLAINT REGISTER INVESTIGATION NO.:  
CHICAGO POLICE DEPARTMENT

228660

DATE OF REPORT (DAY-MO.-YEAR)

27 Sept. 1996

06 Nov. 1996 T

To be used in all cases that are to be classified as either EXONERATED, UNFOUNDED, NOT SUSTAINED, or in SUSTAINED cases where the Disciplinary Recommendation does not exceed FIVE (5) DAYS SUSPENSION.

SUBMIT ORIGINAL AND 3 COPIES IF ASSIGNED TO SAME UNIT AS ACCUSED.  
SUBMIT ORIGINAL AND 4 COPIES IF NOT ASSIGNED TO SAME UNIT AS ACCUSED.

TO: SUPERINTENDENT OF POLICE

ATTENTION ☒ ADMINISTRATOR IN CHARGE, OFFICE OF PROFESSIONAL STANDARDS  
☐ ASSISTANT DEPUTY SUPERINTENDENT, INTERNAL AFFAIRS DIVISION

|  |  |  |                   |                                  |                            |   |
|--|--|--|-------------------|----------------------------------|----------------------------|---|
| FROM-INVIGATOR'S NAME<br><u>Patrick Overfurth</u>            |  | RANK<br>Inv                                  | STAR NO.<br>72    | SOCIAL SEC. NO.<br>[REDACTED]    | EMPLOYEE NO.<br>[REDACTED] | UNIT ASSIGN.<br>113   |
| ADDRESS OF INCIDENT<br><u>010th District, interview room</u> |  | DATE OF INCIDENT - TIME<br>01 July 1996 1810 |                   | BEAT OF INCIDENT<br>1005         |                            | LOCATION CODE*<br>04  |
| NAME<br>1. Yakes, Kenneth                                    |  | RANK<br>PO                                   | STAR NO.<br>17824 | SOCIAL SEC. NO.<br>[REDACTED]    | EMPLOYEE NO.<br>[REDACTED] | UNIT ASSIGN.<br>010   |
| 2. Ramundo, Angelo   |  | PO   | 5355              | [REDACTED]                       | [REDACTED]                 | 010   |
| ACCUSED  | SEX/RACE<br>1.M/W                      | D.O.B.<br>[REDACTED]                         | AGE<br>70         | DATE OF APPOINTMENT<br>16 Dec 91 |                            | DUTY STATUS (TIME OF INCIDENT)<br><input checked="" type="checkbox"/> ON DUTY <input type="checkbox"/> OFF DUTY |
|  | 2.M/W                                  |  | 68                | 16 Dec 91                        |                            | <input checked="" type="checkbox"/> ON DUTY <input type="checkbox"/> OFF DUTY                                   |
|  | IF APPLICABLE - DATE ARRESTED/INDICTED |  | CHARGES           |                                  | COURT BRANCH               | DISPOSITION & DATE  |
|  | 1.                                     |  |                   |                                  |                            |   |
| 2.   |  |  |                   |                                  |                            |   |
| COMPLAINANTS   | NAME                                   | ADDRESS**                                    |                   | CITY STATE                       | TELEPHONE                  | SEX/RACE<br>F/S   |
|  | [REDACTED]                             | [REDACTED]                                   |                   | [REDACTED]                       | [REDACTED]                 | D.O.B./AGE<br>[REDACTED] 42   |
| VICTIMS  | NAME                                   | ADDRESS**                                    |                   | CITY STATE                       | TELEPHONE                  | SEX/RACE<br>M/S   |
|  | [REDACTED]                             | [REDACTED]                                   |                   | [REDACTED]                       | [REDACTED]                 | D.O.B./AGE<br>[REDACTED] 72   |
| WITNESSES  | NAME                                   | ADDRESS**                                    |                   | CITY STATE                       | TELEPHONE                  | SEX/RACE  |
|  | [REDACTED]                             | [REDACTED]                                   |                   | [REDACTED]                       | [REDACTED]                 | D.O.B./AGE  |

☒ SEE ATTACHED SHEET FOR ADDITIONAL ACCUSED, COMPLAINANTS, VICTIMS, WITNESSES.

**ALLEGATIONS**

[REDACTED] the Complainant telephoned the Office of Professional Standards on 09 July 1996, at 1900 hours and registered a complaint on behalf of [REDACTED] the victim with Inv. Ordower #111.

[REDACTED] the victim alleged on 01 July 1996, at approximately 1810 hours after his arrest and while in the 010th District Station, Interview Room, the arresting accused officers 1) physically abused him by striking him about his body. [REDACTED] alleged further the accused officers 2) falsely charged him with possession of a controlled substance after planting drugs on him. [REDACTED] alleged an unknown officer verbally abused him during his processing.

I.A.D. LOCATION CODES\*

01 Food Sales/Restaurant  
02 Tavern/Liquor Store  
03 Other Business Establishment  
04 Police Building  
05 Lockup Facility  
06 Police Maintenance Facility  
07 CPD Automotive Pound Facility  
08 Other Police Property  
09 Police Communications System  
10 Court Room

11 Public Transportation Veh./Facility  
12 Park District Property  
13 Airport  
14 Public Property - Other  
15 Other Private Premise  
16 Expressway/Interstate System  
17 Public Way - Other  
18 Waterway, Incl. Park District  
19 Private Residence

I.A.D. PHYSICAL CONDITION CODES\*

01 No Visible Injury - Apparently Normal  
02 No Visible Injury - Under Influence  
03 Injured, Not Hospitalized  
04 Injured, Not Hospitalized - Under Influence  
05 Injured, Hospitalized  
06 Injured, Hospitalized - Under Influence  
07 Injured, Refused Medical Aid  
08 Injured, Refused Medical Aid - Under Influence  
09 Deceased  
10 Deceased - Under Influence

\* IF CPD MEMBER, LIST RANK, STAR, SOCIAL SECURITY, EMPLOYEE NOS. IN ADDRESS BOX, PAX/BELL IN TELEPHONE BOX

CPD 44-112A (1-84)

C.R. NO.

228660

Briefly summarize the investigation describing your efforts to prove or disprove the allegation(s). Indicate whether witnesses or evidence support or do not support the allegation(s)  
In sustained cases ONLY, copies of the accused member's Summary of Previous Disciplinary Actions and Record of Previous Complimentary History will be included as attachments.

See page 2

SUMMARY

| ATTACH-<br>MENTS | INVESTIGATIVE REPORTS--<br>SUPPORTING ALLEGATION<br>LIST ATTACHMENT NUMBERS: | INVESTIGATIVE REPORTS--<br>SUPPORTING ACCUSED MEMBER(S)<br>LIST ATTACHMENT NUMBERS: | PHYSICAL EVIDENCE<br>LIST ATTACHMENT NUMBERS: | TOTAL NUMBER OF ATTACHMENTS<br>SUBMITTED WITH THIS FILE: |
|------------------|--|---|---|--|
|                  | 5,   | 12,16,20,24   | 25  | 27<br>26   |

Summarize the findings and recommendations. Rule violations will be cited by number only. One overall recommendation for Disciplinary Action will be made by the investigator. The recommendation will be for ALL sustained findings; recommendations will NOT be made for each sustained allegation.

Example: 1. Violation noted, no disciplinary action warranted. 2. That the accused member be reprimanded. 3. That the accused member be suspended for .... days (not to exceed 5 days).

FINDINGS:

Allegation No. 1 and No. 2 NOT SUSTAINED against  
Officer Yakes, Officer Ramundo, Officer Reina, Officer Schaaf

Allegation No. 3 Not Sustained against unknown officer.

FINDINGS--RECOMMENDATIONS

DATE INITIATED  
(DATE COMPLAINT WAS  
RECEIVED FOR INVESTIGATION) 11 July 96

DATE COMPLETED  
(DATE OF THIS  
REPORT) 27 Sept. 96

ELAPSED TIME  
(TOTAL TIME, 76-32=34  
EXPRESSED IN DAYS)

Investigator will initiate the Command Channel Review  
form by completing the Investigator's Section.

IF NECESSARY, USE AN 8 1/2 x 11" SHEET OF

ADDITIONAL ACCUSED:

Reina, Alex: PO; Star #9483; SSN# [REDACTED] Emp. [REDACTED]; Unit: 010  
M/S; DOB: [REDACTED] 62; DOA 30 July 90; On Duty; Sworn; Code: 01

Schaaf, Jeffery: PO; Star #6780; SSN# [REDACTED] Emp. [REDACTED] Unit: 010  
M/W; DOB: [REDACTED] 66; DOA 02 May 94; On Duty; Sworn; Code: 01

Summary:

[REDACTED] who registered the complaint on behalf of [REDACTED] was not present during the incident.

[REDACTED] related in a formal statement that after he had been arrested at 18th and Fairfield, he was taken to the 010th District Station for processing. At this time, a unknown officer began to question him about a street person named [REDACTED] and for him to tell him where [REDACTED] keeps his stuff, and also to get him a gun. [REDACTED] told the officer that he was not going to tell on [REDACTED]. At this time, [REDACTED] realized that the paperwork was taking a long time. At this time, [REDACTED] was charged with possession of a controlled substance. [REDACTED] related that he was falsely charged with possession of drugs by the four arresting officers. [REDACTED] called the officers "bitches" for falsely charging him. At this time, [REDACTED] alleged he was struck by the four arresting officers who were striking him about his ribs, chest, back and neck areas.

[REDACTED] did not report the alleged beating to anyone. [REDACTED] received medical treatment at [REDACTED] for bruising and contusions about his body, on 03 July 1996.

The Medical Report of [REDACTED] was not located at [REDACTED] as related by [REDACTED] a Supervisor of the Medical Records Section of [REDACTED]

Officer Angelo Ramundo, an accused officer reported that he was working with Officer Yakes, Officer Reina and Officer Schaaf on 01 July 1996 as noted in the arrest and case report. [REDACTED] was observed to drop from his waist band, a vial containing a yellowish substance believed to be PCP. [REDACTED] was placed under arrested and transported into the 010th District Station for processing. Officer Ramundo denied that he or fellow officers had falsely charged him with possession of a controlled substance. Officer Ramundo denied that he and fellow officers had struck him about his chest, ribs, back and neck while in the interview room officer Alex Reina, Officer Kenneth Yakes, and Officer Jeffery Schaaf, accused officers all gave a similar account of the arrest of [REDACTED] that he was observed at [REDACTED] when he dropped from his waistband a vial containing a yellowish liquid which was inventoried and believed to be PCP. [REDACTED] was processed and charged with possession of a controlled substance. Officer Reina, Officer Yakes, and Officer Schaaf denied that they falsely arrested [REDACTED] and had physically abused him while in the interview in the 010th District Station.

CONCLUSION:

[REDACTED]

SUMMARY REPORT DIGEST-  
COMPLAINT REGISTER INVESTIGATION NO.:  
CHICAGO POLICE DEPARTMENT

245120

DATE OF REPORT (DAY-MO.-YEAR)

09 June 1998

03 August 1998T

To be used in all cases that are to be classified as either EXONERATED, UNFOUNDED, NOT SUSTAINED, or in SUSTAINED cases where the Disciplinary Recommendation does not exceed FIVE (5) DAYS SUSPENSION.

SUBMIT ORIGINAL AND 3 COPIES IF ASSIGNED TO SAME UNIT AS ACCUSED.  
SUBMIT ORIGINAL AND 4 COPIES IF NOT ASSIGNED TO SAME UNIT AS ACCUSED.

TO: SUPERINTENDENT OF POLICE

ATTENTION ☒ ADMINISTRATOR IN CHARGE, OFFICE OF PROFESSIONAL STANDARDS

☐ ASSISTANT DEPUTY SUPERINTENDENT, INTERNAL AFFAIRS DIVISION

|                          |  |                         |                     |                  |   |                    |
|--------------------------|--|-------------------------|---------------------|------------------|---|--------------------|
| FROM-INVESTIGATOR'S NAME |  | RANK                    | STAR NO.            | SOCIAL SEC. NO.  | EMPLOYEE NO.  | UNIT ASSIGN.       |
| William T. Retroff       |  | Inv.                    | 107                 |                  |   | 113                |
| ADDRESS OF INCIDENT      |  | DATE OF INCIDENT - TIME |                     | BEAT OF INCIDENT |   | LOCATION CODE*     |
|                          |  | 01 May 98 2130          |                     | 1213             |   | 17                 |
| NAME                     |  | RANK                    | STAR NO.            | SOCIAL SEC. NO.  | EMPLOYEE NO.  | UNIT ASSIGN.       |
| 1. James Daniels         |  | PO                      | 4087                |                  |   | 012                |
| 2. Robert Poholik        |  | PO                      | 10721               |                  |   | 012                |
| ACCUSED                  | SEX/RACE                               | D.O.B.                  | DATE OF APPOINTMENT |                  | DUTY STATUS (TIME OF INCIDENT)  |                    |
|                          | 1. M/W                                 | 67                      | 05 July 94          |                  | <input checked="" type="checkbox"/> ON DUTY <input type="checkbox"/> OFF DUTY |                    |
|                          |  |                         |                     |                  | <input checked="" type="checkbox"/> SWORN <input type="checkbox"/> CIVILIAN   |                    |
|                          |  |                         |                     |                  | PHYS. COND. CODE†   |                    |
| COMPLAINANTS             | 2. M/H                                 | 66                      | 29 June 92          |                  | <input checked="" type="checkbox"/> ON DUTY <input type="checkbox"/> OFF DUTY |                    |
|                          |  |                         |                     |                  | <input checked="" type="checkbox"/> SWORN <input type="checkbox"/> CIVILIAN   |                    |
|                          |  |                         |                     |                  | PHYS. COND. CODE†   |                    |
|                          |  |                         |                     |                  |   |                    |
| VICTIMS                  | IF APPLICABLE - DATE ARRESTED/INDICTED |                         | CHARGES             |                  | COURT BRANCH  | DISPOSITION & DATE |
|                          | 1.                                     |                         |                     |                  |   |                    |
|                          | 2.                                     |                         |                     |                  |   |                    |
|                          |  |                         |                     |                  |   |                    |
| WITNESSES                | NAME                                   | ADDRESS**               | CITY STATE          | TELEPHONE        | SEX/RACE  | D.O.B./AGE         |
|                          |  |                         |                     |                  | M/B   | 70                 |
|                          |  |                         |                     |                  |   |                    |
|                          |  |                         |                     |                  |   |                    |
| ALLEGATIONS              | NAME                                   | ADDRESS**               | CITY STATE          | TELEPHONE        | SEX/RACE  | D.O.B./AGE         |
|                          |  |                         |                     | n/p              | F/B   | Unknown            |
|                          |  |                         |                     |                  |   |                    |
|                          |  |                         |                     |                  |   |                    |

☒ SEE ATTACHED SHEET FOR ADDITIONAL ACCUSED, COMPLAINANTS, VICTIMS, WITNESSES.

The complaint was registered with the Office of Professional Standards on 06 May 1998 at 100 hours, by Office of Professional Standards Investigator Lydia Conlisk, #50, assigned to Unit 113. The complainant [REDACTED] alleged that on 01 May 1998, at 2010 hours, in the vicinity of [REDACTED] during the course of his arrest, the accused committed the following acts: 1) verbally abused him; 2) grabbed him by the collar and pushed him against the squad car; 3) slammed the squad car door on his right leg; 4) pushed him inside the squad car; 5) it is further alleged that while at the 012th District Station, the accused punched him once on the left side of his jaw; and 6) squeezed the handcuff on his wrist too tight, when cuffed to the wall ring.

I.A.D. LOCATION CODES\*

|                                  |  |
|----------------------------------|--|
| 01 Food Sales/Restaurant         | 11 Public Transportation Veh./Facility |
| 02 Tavern/Liquor Store           | 12 Park District Property              |
| 03 Other Business Establishment  | 13 Airport                             |
| 04 Police Building               | 14 Public Property - Other             |
| 05 Lockup Facility               | 15 Other Private Premise               |
| 06 Police Maintenance Facility   | 16 Expressway/Interstate System        |
| 07 CPD Automotive Pound Facility | 17 Public Way - Other                  |
| 08 Other Police Property         | 18 Waterway, Incl. Park District       |
| 09 Police Communications System  | 19 Private Residence                   |
| 10 Court Room                    |  |

I.A.D. PHYSICAL CONDITION CODES†

|   |
|---|
| 01 No Visible Injury - Apparently Normal          |
| 02 No Visible Injury - Under Influence            |
| 03 Injured, Not Hospitalized                      |
| 04 Injured, Not Hospitalized - Under Influence    |
| 05 Injured, Hospitalized                          |
| 06 Injured, Hospitalized - Under Influence        |
| 07 Injured, Refused Medical Aid                   |
| 08 Injured, Refused Medical Aid - Under Influence |
| 09 Deceased                                       |
| 10 Deceased - Under Influence                     |

\* IF CPD MEMBER, LIST RANK, STAR, SOCIAL SECURITY, EMPLOYEE NOS. IN ADDRESS BOX, PAX/BELL IN TELEPHONE BOX

CPD-44.112A (1/84)

C.R. NO. 245120

Briefly summarize the investigation describing your efforts to prove or disprove the allegation(s). Indicate whether witnesses or evidence support or do not support the allegation(s). In sustained cases ONLY, copies of the accused member's Summary of Previous Disciplinary Actions and Record of Previous Complimentary History will be included as attachments.

SUMMARY

SEE PAGE 2

| ATTACHMENTS | INVESTIGATIVE REPORTS--<br>SUPPORTING ALLEGATION<br>LIST ATTACHMENT NUMBERS: | INVESTIGATIVE REPORTS--<br>SUPPORTING ACCUSED MEMBER(S)<br>LIST ATTACHMENT NUMBERS: | PHYSICAL EVIDENCE<br>LIST ATTACHMENT NUMBERS: | TOTAL NUMBER OF ATTACHMENTS<br>SUBMITTED WITH THIS FILE: |
|-------------|--|---|---|--|
|             | 1,2  | 7,9-16  | 3-6,8   | 17   |

Summarize the findings and recommendations. Rule violations will be cited by number only. One overall recommendation for Disciplinary Action will be made by the investigator. The recommendation will be for ALL sustained findings; recommendations will NOT be made for each sustained allegation.  
Example: 1. Violation noted, no disciplinary action warranted. 2. That the accused member be reprimanded. 3. That the accused member be suspended for ..... days (not to exceed 5 days).


FINDINGS--RECOMMENDATIONS

FINDINGS:

ALLEGATIONS #1 - #6 Not Sustained against Officer James Daniels, #4087

ALLEGATIONS #1 - #6 Unfounded against Officer Robert Pbhbl1k, #10721

APPROVED:

 # 104  
OPS Supervisor James Henry, Star #104

Total Time: 33 days  
Suspense Time: 16 days

|  |           |  |            |  |         |
|--|-----------|--|------------|--|---------|
| DATE INITIATED<br>(DATE COMPLAINT WAS<br>RECEIVED FOR INVESTIGATION) | 07 May 98 | DATE COMPLETED<br>(DATE OF THIS<br>REPORT) | 09 June 98 | ELAPSED TIME<br>(TOTAL TIME,<br>EXPRESSED IN DAYS) | 17 days |
|--|-----------|--|------------|--|---------|

Investigator will initiate the Command Channel Review form by completing the Investigator's Section.

IF NECESSARY, USE AN 8 1/2 x 11" SHEET

SUMMARY:

The complainant, [REDACTED] stated in his written statement to the Office of Professional Standards that a male white uniformed officer, one of the arresting officers physically and verbally abused him as indicated in the allegations section of the Summary Digest Report. [REDACTED] stated that he sustained injuries of soreness to the left side of his face and has headaches. [REDACTED] did not seek or receive any medical attention.

The Arrest Report stated that [REDACTED] was arrested on 01 May 1998, at 2010 hours, at [REDACTED] on charges of State Disorderly Conduct by arresting officers James Daniels and Officer Robert Poholik. The Arrest Report narrative stated that the offender [REDACTED] was knowingly and intentionally yelling obscenities and refused to leave the scene of a police investigation, inciting citizens to attempt to defeat the arrest. The offender resisted police arrest, refused verbal commands, and refused to be handcuffed. The arresting officers used minimal force necessary to effect the arrest. The Arrestee Lockup Screening Report stated that [REDACTED] had no obvious visible signs of pain or injury but claimed to have mouth pain.

The accused Officers James Daniels and Officer Robert Poholik denied the allegations in their reports. Officer James Daniels is described as the male white accused officer, being shorter in height than the partner, Officer Poholik. Officer Poholik is described as the male Hispanic officer. Both officers corroborated that they did not inflict any degree of physical abuse, verbal abuse and/or excessive force on the offender, [REDACTED]

The named witness [REDACTED] has not cooperated with this investigation, in that she does not live at the address indicated and has not come forth to cooperate with this investigation.

CONCLUSION:

The available evidence is inconclusive to substantiate the allegations made against the accused. In view of the foregoing facts, it is recommended that this matter be closed and the findings be classified as "Not Sustained" against Officer James Daniels, and "Unfounded" against Officer Robert Poholik.

SUMMARY REPORT DIGEST-  
COMPLAINT REGISTER INVESTIGATION NO.:  
CHICAGO POLICE DEPARTMENT

237245

DATE OF REPORT (DAY-MO.-YEAR)  
17 June 1997  
23 June 1997 T

To be used in all cases that are to be classified as either EXONERATED, UNFOUNDED, NOT SUSTAINED, or  
in SUSTAINED cases where the Disciplinary Recommendation does not exceed FIVE (5) DAYS SUSPENSION.

SUBMIT ORIGINAL AND 3 COPIES IF ASSIGNED TO SAME UNIT AS ACCUSED.  
SUBMIT ORIGINAL AND 4 COPIES IF NOT ASSIGNED TO SAME UNIT AS ACCUSED.

TO: SUPERINTENDENT OF POLICE

ATTENTION ☒ ADMINISTRATOR IN CHARGE, OFFICE OF PROFESSIONAL STANDARDS  
☐ ASSISTANT DEPUTY SUPERINTENDENT, INTERNAL AFFAIRS DIVISION

|                          |  |                         |                     |                                |   |  |
|--------------------------|--|-------------------------|---------------------|--------------------------------|---|--|
| FROM-INVESTIGATOR'S NAME |  | RANK                    | STAR NO.            | SOCIAL SEC. NO.                | EMPLOYEE NO.  | UNIT ASSIGN.   |
| Thornton Smith           |  | Inv.                    | 52                  |                                |   | 113  |
| ADDRESS OF INCIDENT      |  | DATE OF INCIDENT - TIME |                     | BEAT OF INCIDENT               | LOCATION CODE   |  |
|                          |  | 30 May 1997, 2300 hours |                     | 1223                           | 12  |  |
| NAME                     |  | RANK                    | STAR NO.            | SOCIAL SEC. NO.                | EMPLOYEE NO.  | UNIT ASSIGN.   |
| 1. Robert Poholik        |  | P.O.                    | 10721               |                                |   | 012  |
| 2. James Daniels         |  | P.O.                    | 6182                |                                |   | 012  |
| ACCUSED                  | SEX/RACE                               | D.O.B.                  | DATE OF APPOINTMENT | DUTY STATUS (TIME OF INCIDENT) |   | PHYS. COND. CODE†  |
|                          | 1. M/H                                 |                         | 1966                | 29 June 1992                   | <input checked="" type="checkbox"/> ON DUTY <input type="checkbox"/> OFF DUTY | <input checked="" type="checkbox"/> SWORN<br><input type="checkbox"/> CIVILIAN |
|                          | 2. M/W                                 |                         | 1967                | 05 July 1994                   | <input checked="" type="checkbox"/> ON DUTY <input type="checkbox"/> OFF DUTY | <input checked="" type="checkbox"/> SWORN<br><input type="checkbox"/> CIVILIAN |
|                          | IF APPLICABLE - DATE ARRESTED/INDICTED |                         | CHARGES             |                                | COURT BRANCH  | DISPOSITION & DATE   |
| COMPLAINANTS             | NAME                                   |                         | ADDRESS**           |                                | CITY STATE  | SEX/RACE   |
|                          |  |                         |                     |                                |   | M/H  |
| VICTIMS                  | NAME                                   |                         | ADDRESS**           |                                | CITY STATE  | SEX/RACE   |
|                          |  |                         |                     |                                |   | M/H  |
| WITNESSES                | NAME                                   |                         | ADDRESS**           |                                | CITY STATE  | SEX/RACE   |
|                          |  |                         |                     |                                |   |  |

☐ SEE ATTACHED SHEET FOR ADDITIONAL ACCUSED, COMPLAINANTS, VICTIMS, WITNESSES.

ALLEGATIONS

Sergeant Richard Cervenka, Star #846, 012th District, contacted the Office of Professional Standards by Pax on 31 May 1997, at 0253 hours, and registered a complaint made by [REDACTED] with Civilian Crystal Williams, Employee [REDACTED] alleged that on 30 May 1997, at approximately 2300 hours, in the vicinity of [REDACTED] that Officers R. Poholik and J. Daniels: 1) struck him in the face with their fists.

I.A.D. LOCATION CODES\*

|                                  |  |
|----------------------------------|--|
| 01 Food Sales/Restaurant         | 11 Public Transportation Veh./Facility |
| 02 Tavern/Liquor Store           | 12 Park District Property              |
| 03 Other Business Establishment  | 13 Airport                             |
| 04 Police Building               | 14 Public Property - Other             |
| 05 Lockup Facility               | 15 Other Private Premise               |
| 06 Police Maintenance Facility   | 16 Expressway/Interstate System        |
| 07 CPD Automotive Pound Facility | 17 Public Way - Other                  |
| 08 Other Police Property         | 18 Waterway, Incl. Park District       |
| 09 Police Communications System  | 19 Private Residence                   |
| 10 Court Room                    |  |

I.A.D. PHYSICAL CONDITION CODES†

|   |
|---|
| 01 No Visible Injury - Apparently Normal          |
| 02 No Visible Injury - Under Influence            |
| 03 Injured, Not Hospitalized                      |
| 04 Injured, Not Hospitalized - Under Influence    |
| 05 Injured, Hospitalized                          |
| 06 Injured, Hospitalized - Under Influence        |
| 07 Injured, Refused Medical Aid                   |
| 08 Injured, Refused Medical Aid - Under Influence |
| 09 Deceased                                       |
| 10 Deceased - Under Influence                     |

\* IF CPD MEMBER, LIST RANK, STAR, SOCIAL SECURITY, EMPLOYEE NOS. IN ADDRESS BOX, PAX/BELL IN TELEPHONE BOX

CPD 44.1120 (1/84)

C.R. NO.

237245

Briefly summarize the investigation describing your efforts to prove or disprove the allegation(s). Indicate whether witnesses or evidence support or do not support the allegation(s). In sustained cases ONLY, copies of the accused member's Summary of Previous Disciplinary Actions and Record of Previous Compliance History will be included as attachments.

SUMMARY

Sergeant Richard Cervenka, Star #846, assigned to the 012th District, stated in his Initiation Report that he interviewed the complainant, [REDACTED] who stated that [REDACTED] had been walking home from a party at approximately 2300 hours, 30 May 1997, when at [REDACTED] a marked Chicago Police Vehicle approached. Two uniformed officers threw [REDACTED] into the car and drove to a viaduct [REDACTED] where the police removed him from the squad car and repeatedly asked him what gang he belonged to. When he attempted to explain that he did not belong to a gang (he speaks no English), the officers allegedly struck him in the face and head causing injury to the left side of his face. The officers then brought him to the 012th District Station, where he was charged with Unlawful Use of weapon. [REDACTED] was photographed in the 012th District Lockup, processed and transported to the [REDACTED] for treatment.

[REDACTED] was interviewed by Investigator Lucia DelaPava of the Office of Professional Standards and stated that he was by himself, and crossing [REDACTED] located in the vicinity of [REDACTED]. He heard shots being fired and went to the ground for safety. Two male white, uniformed officers, responded immediately and questioned [REDACTED] about the shots, and asked what gang he belonged to. [REDACTED] replied that he did not belong to a gang and did not know who fired the shots. He was handcuffed, placed in the squad car, and driven to [REDACTED] which was dark and deserted [REDACTED]. [REDACTED] was taken out of the squad car and questioned again about a gang. While

ATTACHMENTS

| INVESTIGATIVE REPORTS—<br>SUPPORTING ALLEGATION<br>LIST ATTACHMENT NUMBERS: | INVESTIGATIVE REPORTS—<br>SUPPORTING ACCUSED MEMBER(S)<br>LIST ATTACHMENT NUMBERS: | PHYSICAL EVIDENCE<br>LIST ATTACHMENT NUMBERS: | TOTAL NUMBER OF ATTACHMENTS<br>SUBMITTED WITH THIS FILE: |
|---|--|---|--|
| 6, 8  | 2, 17, 21  | 4 A-F, 13                                     | 22   |

Summarize the findings and recommendations. Rule violations will be cited by number only. One overall recommendation for Disciplinary Action will be made by the investigator. The recommendation will be for ALL sustained findings; recommendations will NOT be made for each sustained allegation.

Example: 1. Violation noted, no disciplinary action warranted. 2. That the accused member be reprimanded. 3. That the accused member be suspended for ..... days (not to exceed 5 days).

#### FINDINGS:

Accused #1.  
Allegation #1.

Officer Robert Poholik, Star #10721  
NOT SUSTAINED

Accused #2.  
Allegation #1.

Officer James Daniels, Star #6182  
NOT SUSTAINED

#### APPROVED:

[REDACTED]  
OPS Supv. Ann Peterson, Star #100

DATE INITIATED 03 June 1997  
(DATE COMPLAINT WAS  
RECEIVED FOR INVESTIGATION)

DATE COMPLETED 17 June 1997  
(DATE OF THIS  
REPORT)

ELAPSED TIME 14 Days  
(TOTAL TIME,  
EXPRESSED IN DAYS)

Investigator will initiate the Command Channel Review  
form by completing the Investigator's Section

IF NECESSARY, USE AN 8 1/2 x 11 SHEET

INVESTIGATION Cont'd.:

standing at the rear of the squad car both officers struck him on the face with fists. He was then transported to the 012th District, processed and later transported to the [REDACTED] where he received three stitches for a laceration to the cheek.

Photographs taken of [REDACTED] taken by an Evidence Technician depict a laceration under the left eye, and bruises on his right fingers.

The [REDACTED] Report for [REDACTED] indicated that he stated to emergency room staff that at approximately 2245 hours, he was involved in a fight and was struck in the head by the police. [REDACTED] was diagnosed and treated for a face contusion/laceration.

The Arrest Report indicated that [REDACTED] was arrested for U.U.W. after being observed standing [REDACTED] with two other subjects. One of which produced a .38 cal revolver and fired two rounds. Officers R. Poholik and J. Daniels approached and one of the subjects handed the gun to [REDACTED] who fled on foot and threw the gun to the ground. After a brief foot chase he was apprehended, placed in custody and transported into the 012th District for processing. A .38 cal revolver and two spent casings were recovered.

The General Offense Case Report for Unlawful Use of Handgun and the Juvenile Minutes Sheet for [REDACTED] contained essentially the same information as the Arrest Report of [REDACTED]

Officers Robert Poholik and James Daniels, both submitted reports in which they stated that they had no knowledge of [REDACTED] being struck in the face with fist in the vicinity of [REDACTED] Both officers denied striking [REDACTED] in the face with fists.

[REDACTED]

SUMMARY REPORT DIGEST-  
COMPLAINT REGISTER INVESTIGATION NO.:  
CHICAGO POLICE DEPARTMENT

245206

DATE OF REPORT (DAY-MO.-YEAR)

31 July 1998

13 August 1998\*

To be used in all cases that are to be classified as either EXONERATED, UNFOUNDED, NOT SUSTAINED, or in SUSTAINED cases where the Disciplinary Recommendation does not exceed FIVE (5) DAYS SUSPENSION.

SUBMIT ORIGINAL AND 3 COPIES IF ASSIGNED TO SAME UNIT AS ACCUSED.  
SUBMIT ORIGINAL AND 4 COPIES IF NOT ASSIGNED TO SAME UNIT AS ACCUSED.

TO: SUPERINTENDENT OF POLICE

ATTENTION ☒ ADMINISTRATOR IN CHARGE, OFFICE OF PROFESSIONAL STANDARDS  
☐ ASSISTANT DEPUTY SUPERINTENDENT, INTERNAL AFFAIRS DIVISION

|   |  |   |                   |   |                            |  |                   |
|---|--|---|-------------------|---|----------------------------|--|-------------------|
| FROM: INVESTIGATOR'S NAME<br>Andrew Palahniuk |  | RANK<br>Inv.                              | STAR NO.<br>007   | SOCIAL SEC. NO.<br>[REDACTED]   | EMPLOYEE NO.<br>[REDACTED] | UNIT ASSIGN.<br>113  |                   |
| ADDRESS OF INCIDENT<br>[REDACTED]             |  | DATE OF INCIDENT - TIME<br>09 May 98 2010 |                   | BEAT OF INCIDENT<br>1222  | LOCATION CODE*<br>17       |  |                   |
| NAME<br>1. Robert Poholik                     |  | RANK<br>PO                                | STAR NO.<br>10721 | SOCIAL SEC. NO.<br>[REDACTED]   | EMPLOYEE NO.<br>[REDACTED] | UNIT ASSIGN.<br>012  |                   |
| NAME<br>2. James Daniels                      |  | RANK<br>PO                                | STAR NO.<br>4087  | SOCIAL SEC. NO.<br>[REDACTED]   | EMPLOYEE NO.<br>[REDACTED] | UNIT ASSIGN.<br>012  |                   |
| ACCUSED                                       | SEX/RACE/D.O.B.                        | DATE OF APPOINTMENT                       |                   | DUTY STATUS (TIME OF INCIDENT)  |                            | PHYS. COND. CODE†  |                   |
|   | 1. M/W [REDACTED] 66                   | 29 June 92                                |                   | <input checked="" type="checkbox"/> ON DUTY <input type="checkbox"/> OFF DUTY |                            | <input checked="" type="checkbox"/> SWORN<br><input type="checkbox"/> CIVILIAN |                   |
|   | 2. M/W [REDACTED] 67                   | 05 July 94                                |                   | <input checked="" type="checkbox"/> ON DUTY <input type="checkbox"/> OFF DUTY |                            | <input checked="" type="checkbox"/> SWORN<br><input type="checkbox"/> CIVILIAN |                   |
|   | IF APPLICABLE - DATE ARRESTED/INDICTED |   | CHARGES           |   | COURT BRANCH               | DISPOSITION & DATE   |                   |
| COMPLAINANTS                                  | NAME                                   | ADDRESS**                                 | CITY STATE        | TELEPHONE   | SEX/RACE                   | D.O.B./AGE   | PHYS. COND. CODE† |
|   | [REDACTED]                             | [REDACTED]                                | [REDACTED]        | [REDACTED]  | M/B                        | [REDACTED] 56  | 03                |
|   | [REDACTED]                             | [REDACTED]                                | [REDACTED]        | [REDACTED]  | M/H                        | [REDACTED] 71  | 03                |
|   | [REDACTED]                             | [REDACTED]                                | [REDACTED]        | [REDACTED]  | F/H                        | [REDACTED] 75  | 03                |
| WITNESSES                                     | NAME                                   | ADDRESS**                                 | CITY STATE        | TELEPHONE   | SEX/RACE                   | D.O.B./AGE   | PHYS. COND. CODE† |
|   | [REDACTED]                             | [REDACTED]                                | [REDACTED]        | [REDACTED]  | M/H                        | unk.   | 01                |
|   | [REDACTED]                             | [REDACTED]                                | [REDACTED]        | [REDACTED]  | F/H                        | [REDACTED] 75  | 01                |
|   | [REDACTED]                             | [REDACTED]                                | [REDACTED]        | [REDACTED]  | [REDACTED]                 | [REDACTED]   | [REDACTED]        |

☒ SEE ATTACHED SHEET FOR ADDITIONAL ACCUSED, COMPLAINANTS, VICTIMS, WITNESSES.

ALLEGATIONS

[REDACTED] telephoned the Office of Professional Standards on 10 May 1998, at 1145 hours, and registered a complaint with Investigator Barbara Harris, Star #85. [REDACTED] alleged that on 09 May 1998, at approximately 2010 hours, in the vicinity of [REDACTED] Officer Poholik and/or Daniels: 1) physically abused him, in that they kicked him about the body and throat, choked him and struck him on the legs with a baton. [REDACTED] alleged that on 09 May 1998, at approximately 1955 hours, in the vicinity of [REDACTED] Officer Gonzalez and/or Urbanski: 2) physically abused him, in that they kicked him about the face and body.

I.A.D. LOCATION CODES\*

|                                  |  |
|----------------------------------|--|
| 01 Food Sales/Restaurant         | 11 Public Transportation Veh./Facility |
| 02 Tavern/Liquor Store           | 12 Park District Property              |
| 03 Other Business Establishment  | 13 Airport                             |
| 04 Police Building               | 14 Public Property - Other             |
| 05 Lockup Facility               | 15 Other Private Premise               |
| 06 Police Maintenance Facility   | 16 Expressway/Interstate System        |
| 07 CPD Automotive Pound Facility | 17 Public Way - Other                  |
| 08 Other Police Property         | 18 Waterway, Incl. Park District       |
| 09 Police Communications System  | 19 Private Residence                   |
| 10 Court Room                    |  |

I.A.D. PHYSICAL CONDITION CODES†

|   |
|---|
| 01 No Visible Injury - Apparently Normal          |
| 02 No Visible Injury - Under Influence            |
| 03 Injured, Not Hospitalized                      |
| 04 Injured, Not Hospitalized - Under Influence    |
| 05 Injured, Hospitalized                          |
| 06 Injured, Hospitalized - Under Influence        |
| 07 Injured, Refused Medical Aid                   |
| 08 Injured, Refused Medical Aid - Under Influence |
| 09 Deceased                                       |
| 10 Deceased - Under Influence                     |

\* IF CPD MEMBER, LIST RANK, STAR, SOCIAL SECURITY, EMPLOYEE NOS. IN ADDRESS BOX, FAX/BELL IN TELEPHONE BOX.

CPD-44.112A (1/84)

C.R. NO.

245206

Briefly summarize the investigation describing your efforts to prove or disprove the allegation(s). Indicate whether witnesses or evidence support or do not support the allegation(s). In sustained cases ONLY, copies of the accused member's Summary of Previous Disciplinary Actions and Record of Previous Complimentary History will be included as attachments.

SUMMARY

SEE PAGE 2

ATTACH-  
MENTS

| INVESTIGATIVE REPORTS—<br>SUPPORTING ALLEGATION<br>LIST ATTACHMENT NUMBERS: | INVESTIGATIVE REPORTS—<br>SUPPORTING ACCUSED MEMBER(S)<br>LIST ATTACHMENT NUMBERS: | PHYSICAL EVIDENCE<br>LIST ATTACHMENT NUMBERS: | TOTAL NUMBER OF ATTACHMENTS<br>SUBMITTED WITH THIS FILE: |
|---|--|---|--|
| 8,16,25   | 31,35,39,49,53   | 8,14,21,27-30,42,55                           | 56   |

Summarize the findings and recommendations. Rule violations will be cited by number only. One overall recommendation for Disciplinary Action will be made by the investigator. The recommendation will be for ALL sustained findings; recommendations will NOT be made for each sustained allegation.  
Example: 1. Violation noted, no disciplinary action warranted. 2. That the accused member be reprimanded. 3. That the accused member be suspended for .... days (not to exceed 5 days).

FINDINGS:

ALLEGATION #1 Not Sustained against Officer Poholik  
ALLEGATION #1 Not Sustained against Officer Daniels  
ALLEGATION #2 Not Sustained against Officer Urbanski  
ALLEGATION #2 Not Sustained against Officer Gonzalez

APPROVED

OPS Acting Supervisor Dennis Jones, Star #60

DATE INITIATED  
(DATE COMPLAINT WAS  
RECEIVED FOR INVESTIGATION)

11 May 98

DATE COMPLETED  
(DATE OF THIS  
REPORT)

31 July 98

ELAPSED TIME  
(TOTAL TIME  
EXPRESSED IN DAYS)

81 days

Investigator will initiate the Command Channel Review  
form by completing the Investigator's Section.

INVESTIGATOR

IF NECESSARY, USE AN 8 1/2 x 11" SHEET OF WHITE PAPER TO CONTINUE ANY ITEM

OFFICE OF PROFESSIONAL STANDARDS  
Complaint Register #245206  
Page 2

ACCUSED: (continued)

3. Raymond Urbanski, Police Officer, Star #6323, SS# [REDACTED] Employee # [REDACTED] Unit 012, M/W, DOB: [REDACTED] 69, DOA: 02 May 94, On duty, Sworn, Code: 01.

4. Joel Gonzalez, Police Officer, Star #5301, SS# [REDACTED] Employee # [REDACTED] Unit 012, M/H, DOB: [REDACTED] 67, DOA: 03 January 95, On duty, Sworn, Code: 01.

INVESTIGATION:

Initially, the original complainant, [REDACTED] failed to respond to the numerous attempts made to contact him, and arresting Officers Poholik and Daniels were requested to submit reports to the allegations gleaned from the Complaint Against Department Member Form. However, in the interim [REDACTED] came to the Office of Professional Standards and gave a written statement, which not only reiterated his original allegations, but included additional allegations against unknown officers beating an acquaintance known only as [REDACTED] stated that he was arrested when he and [REDACTED] stopped and watched unknown officers beating [REDACTED] alleged that while en route to the 009<sup>th</sup> District Station, Officers Poholik and Daniels stopped their squad car underneath a viaduct and physically abused him, in that they kicked him about the body and throat, choked him and struck him about the legs with a baton. [REDACTED] said that he sustained a bruise to his chest and throat, and three days afterwards went to the [REDACTED] The medical records from [REDACTED] indicate that [REDACTED] said that he got kicked in the chest and hit with a baton on the right leg, and still taking medication for lower back pain that he complained about one week ago. [REDACTED] was diagnosed as having neck pain and being kicked in chest/neck.

The Arrest Report of [REDACTED] indicates that he was charged with Disorderly Conduct and placed under arrest by Officers Poholik and Daniels, who reported that [REDACTED] was yelling obscenities and refused to leave the area when told to do so by Beat 1240. The lockup keepers Visual Screening Check indicates no obvious pain or injury. The Identification Record photograph taken of [REDACTED] reveals no injury to his face, head or neck.

Accused Officers Robert Poholik and James Daniels submitted reports stating that they arrested and transported [REDACTED] without incident. Both officers categorically denied the allegations made against them and one another in total.

OFFICE OF PROFESSIONAL STANDARDS

Complaint Register #245206

Page 3

INVESTIGATION: (continued)

██████████ telephoned the Reporting Investigator and related that he was with ██████████ and witnessed the police beat a guy named ██████████. ██████████ stated that he really does not want to get involved, but said that he would cooperate if ██████████ identity became known and if he made a complaint.

The investigation revealed that ██████████ was ██████████ who gave a written statement while incarcerated at County Jail. ██████████ stated that he got into an altercation with ██████████ and ran when the police confronted him. ██████████ said that he was apprehended a short distance away and kicked about the head and body by numerous unknown officers, which he could not describe. ██████████ stated that the left side of his face was swollen, both knees and left ankle were swollen and ribs hurt, and taken to ██████████.

Photographs taken of ██████████ reveal a bruise and swelling to the left side of his face, a bruise to the right cheek, and bruises to both knees.

Medical records indicate that ██████████ was brought to ██████████ in police custody at 2241 hours, and stated that he was "jumped" by a gang at 1800 hours, and kicked to the left eye and in the right chest and complaining of pain. ██████████ was diagnosed as having hematoma to the left eye, and scrape to the left face and right cheek, scrapes to both knees and hematoma to the right calf.

The Arrest Report of ██████████ indicates that he was placed under arrest by Officers Urbanski and Gonzalez. ██████████ was charged with two(2) counts of Domestic Battery on complaints signed by ██████████. The narrative portion indicates that ██████████ had fallen several times, and then resisted being placed under arrest. The officers further reported that ██████████ struck his face against the police cage while being transported. The Simple Battery Case Report in essence purports the same information as contained in the Arrest Report. The Case Report lists ██████████ as a witness.

██████████ was interviewed via the telephone and stated that ██████████ struck her and ██████████ and said that she flagged down a police Sergeant. She said that ██████████ fled and lost one gym shoe in the process. ██████████ said that she did not see ██████████ apprehended and placed under arrest. ██████████ said that ██████████ was with her at the time of ██████████ arrest.

INVESTIGATION: (continued)

██████████ was interviewed via the telephone and said that ██████████ being struck by ██████████ stated that ██████████ was drunk and fell several times before being apprehended about one half block away. ██████████ stated that she did not see any officer(s) physically abuse ██████████ while placing him under arrest.

Arresting Officers Raymond Urbanski and Joel Gonzalez were made accused and submitted reports. Both officers denied physically abusing ██████████ or seeing any officer(s) do so. Officers Urbanski and Gonzalez reported that ██████████ sustained lacerations to his knees from falling several times while fleeing, and lacerations from repeatedly striking his face against the police cage.

CONCLUSION:

██████████ alleged that there were no witnesses when he was kicked about the head and body, choked and struck to the leg with a baton. However, the Identification Record photograph and medical records do not indicate any significant as alleged, and the screening record denotes no obvious pain or injury. Therefore, it is recommended that the findings for the allegations made against Officers Poholik and Daniels be Not Sustained.

██████████ alleged that numerous unknown officers kicked him about the face and body, and photographs taken depict numerous lacerations and scrapes. However, the medical records indicate that ██████████ told hospital personnel that he had been "jumped" by a gang two hours prior to his arrest. ██████████ gave contradicting versions, in that ██████████ stated that she did not see ██████████ being apprehended and said that ██████████ was with her, while ██████████ stated that she witnessed ██████████ being apprehended and did not see any officer(s) physically abuse him. The accused denied beating ██████████ and reported that he fell several times prior to being apprehended and then struck his face/head against the police cage when being transported. Therefore, based on the statements and physical evidence at hand, it is recommended that the findings for the allegations given to arresting Officers Urbanski and Gonzalez be Not Sustained.

/pm

**SUMMARY REPORT DIGEST-  
COMPLAINT REGISTER INVESTIGATION NO.:  
CHICAGO POLICE DEPARTMENT**

312479

DATE OF REPORT: MAY 20 2006

21 May 2006

To be used in all cases that are to be classified as either EXONERATED, UNFOUNDED, NOT SUSTAINED or in SUSTAINED cases where the Disciplinary Recommendation does not exceed FIVE (5) DAYS SUSPENSION.

SUBMIT ORIGINAL AND 3 COPIES IF ASSIGNED TO SAME UNIT AS ACCUSED  
SUBMIT ORIGINAL AND 4 COPIES IF NOT ASSIGNED TO SAME UNIT AS ACCUSED.

TO: SUPERINTENDENT OF POLICE

ATTENTION

☐ ADMINISTRATIVE IN CHARGE, OFFICE OF PROFESSIONAL STANDARDS  
☒ ASSISTANT DEPUTY SUPERINTENDENT, INTERNAL AFFAIRS DIVISION

FROM INVESTIGATOR'S NAME

YANNA, Robert D

ADDRESS OF INCIDENT

[REDACTED]

DATE

Time, Marvin

Pantauzzi, Wilson

DEK RAGE ID SET

AGE

[REDACTED] 1970

DATE OF APPOINTMENT

14 August 2000

DUTY STATUS (TIME OF INCIDENT)

☒ ON DUTY ☐ OFF DUTY

☒ SWORN

☐ CIVILIAN

UNIT ASSIGN

013

DATE OF INCIDENT

25 March 2002

☒ ON DUTY ☐ OFF DUTY

☒ SWORN

☐ CIVILIAN

UNIT ASSIGN

01

NAME

ADDRESS

CITY STATE

TELEPHONE

SEX/RACE

DOB/AGE

UNIT

NAME

ADDRESS

CITY STATE

TELEPHONE

SEX/RACE

DOB/AGE

UNIT

NAME

ADDRESS

CITY STATE

TELEPHONE

SEX/RACE

DOB/AGE

UNIT

☐ SEE ATTACHED SHEET FOR ADDITIONAL ACCUSED, COMPLAINANTS, VICTIMS, WITNESSES

ALLEGATIONS

The complainant, who did not witness the incident, alleges that [REDACTED] (M/F) [REDACTED] 74) of [REDACTED] was arrested and her vehicle was impounded. The complainant alleges that at the time of [REDACTED] release her car was not returned. The complainant alleges that the pound informed her that the keys were not with the vehicle.

**IAD LOCATION CODES**

- 01 Food/Bar/Restaurant
- 02 Tavern/liquor Store
- 03 Other Business Establishment
- 04 Police Building
- 05 Public Facility
- 06 Public Place/Hotel/Club
- 07 Public Place/Hotel/Club
- 08 Public Place/Hotel/Club
- 09 Public Place/Hotel/Club
- 10 Public Place/Hotel/Club

**IAD PHYSICAL CONDITION CODES**

- 01 No Visible Injury - Apparently Uninjured
- 02 No Visible Injury - Under Influence
- 03 Injured, Not Hospitalized
- 04 Injured, Not Hospitalized - Under Influence
- 05 Injured, Hospitalized
- 06 Injured, Hospitalized - Under Influence
- 07 Injured, Refused Medical Aid
- 08 Injured, Refused Medical Aid - Under Influence
- 09 Deceased
- 10 Deceased - Under Influence

\*\* IF CPD MEMBER, LIST RANK, STAR, SOCIAL SECURITY, EMPLOYEE NOS IN ADDRESS BOX, PAXBELL IN TELEPHONE BOX

CPD 41 119A (1/84)

CPD NO

312479

Briefly summarize the investigation describing your efforts to prove or disprove the allegation(s). Indicate whether witnesses or evidence support or do not support the allegation(s). In sustained cases ONLY, copies of the accused member's Summary of Previous Disciplinary Actions and Record of Previous Complimentary History will be included as attachments.

#### Investigation:

On 25 April 2006 R/Sgt. received this C.R. Investigation from Lt. Devenaux #523. Attached to the original Complaint Against Department Member was a copy of the Arrest Report of [REDACTED] on the date in question. The CB No. for [REDACTED] arrest was [REDACTED]. This Arrest Report identified P.O. Eng #11000 and P.O. Fantauzzi #14352 as the arresting officers. This led to their identification as Accused. (See Att. Nos. 6, 7, & 8)

On 27 April 2006 R/Sgt. mailed a certified letter to the complainant (Att. No. 4) The article number of the certified letter was [REDACTED] (Att. No. 5)

On 03 May 2006 at approximately 2200 hrs. R/Sgt. went to the address of [REDACTED] in an attempt to reach complainant. R/Sgt. received Event No. [REDACTED] to record this visit. R/Sgt. was met by [REDACTED] who stated that complainant was home. R/Sgt. then met with complainant who stated that her keys were ultimately with the vehicle and that she was frustrated with "getting the run around" when she made calls inquiring about the vehicle. R/Sgt. asked complainant if she wished to pursue the matter any further. Complainant stated that she did not wish to pursue the matter and voluntarily signed a Voluntary Termination CPD-44.304 (Rev. 9.03) (Att. No. 3). R/Sgt. advised complainant that a certified letter was en route to her and that she could disregard it. R/Sgt. also advised complainant that she could contact the 014th District directly in the event that [REDACTED] was arrested in the future. This interview is documented in Att. No. 2 of this report.

SUMMARY

| ATTACHMENTS | INVESTIGATIVE REPORTS-<br>SUPPORTING ALLEGATION<br>LIST ATTACHMENT NUMBERS: | INVESTIGATIVE REPORTS-<br>SUPPORTING ACCUSED MEMBER(S)<br>LIST ATTACHMENT NUMBERS: | PHYSICAL EVIDENCE<br>LIST ATTACHMENT NUMBERS: | TOTAL NUMBER OF ATTACHMENTS<br>SUBMITTED WITH THIS FILE: |
|-------------|---|--|---|--|
|             | None  | 2,3  | None  | 8  |

Summarize the findings and recommendations. Rule violations will be cited by number only. One overall recommendation for Disciplinary Action will be made by the investigator. The recommendation will be for ALL sustained findings; recommendations will NOT be made for each sustained allegation.

Example: 1. Violation noted, no disciplinary action warranted. 2. That the accused member be reprimanded. 3. That the accused member be suspended for .... days (not to exceed 5 days).

#### FINDINGS: THE COMPLAINT IS UNFOUNDED

The complaint was contacted by R/Sgt. and signed a Refusal. Complainant further stated that her car keys were located when she was able to retrieve the auto from the pound.

RECOMMENDATIONS: None

FINDINGS--RECOMMENDATIONS

|  |             |                          |             |   |    |
|--|-------------|--------------------------|-------------|---|----|
| DATE RECEIVED<br>COMPLAINANT WAS<br>NOTIFIED FOR INVESTIGATION   | 21 April 06 | DATE COMPLETED<br>REPORT | 21 Aug 2006 | ELAPSED TIME<br>(TOTAL TIME<br>EXPRESSED IN DAYS) | 21 |
| Investigator will initiate the Command Channel Review<br>form by completing the Investigator's Section |             |                          |             | #2232   |    |
| IF NECESSARY USE ADDITIONAL PAPER TO CONTINUE ANY ITEM   |             |                          |             |   |    |

C.R. 312479 Evidence Attachment Inventory

|   |   |
|---|---|
| Complaint Against Department Member.....                      | 1 |
| Complainant Interview.....                                    | 2 |
| Copy of Voluntary Termination Letter.....                     | 3 |
| Copy of Greeting Letter Sent to Complainant.....              | 4 |
| Certified Mail Receipt (Article No. [REDACTED]).....          | 5 |
| Copy of Marco PINEDA Arrest Report (CB No. [REDACTED]).....   | 6 |
| Copy of Notification Re: C.R. Investigation (Eng).....        | 7 |
| Copy of Notification Re: C.R. Investigation (Fantauzzi).....  | 8 |
| Copy of "Refused" Sworn Affidavit for C.R. Investigation..... | 9 |

SUMMARY REPORT DIGEST-  
COMPLAINT REGISTER INVESTIGATION NO.  
CHICAGO POLICE DEPARTMENT

285980

DATE OF REPORT (DAY MO -YEAR)

31 DEC 02

To be used in all cases that are to be classified as either EXONERATED, UNFOUNDED, NOT SUSTAINED cases where the Disciplinary Recommendation does not exceed FIVE (5) DAYS SUSPENSION.

SUBMIT ORIGINAL AND 3 COPIES IF ASSIGNED TO SAME UNIT AS ACCUSED  
SUBMIT ORIGINAL AND 4 COPIES IF NOT ASSIGNED TO SAME UNIT AS ACCUSED

TO: SUPERINTENDENT OF POLICE  
ATTENTION [X] ADMINISTRATOR IN CHARGE, OFFICE OF PROFESSIONAL STANDARDS  
[ ] ASSISTANT DEPUTY SUPERINTENDENT, INTERNAL AFFAIRS DIVISION

|   |  |                      |                                    |  |  |                             |                           |                           |
|---|--|----------------------|------------------------------------|--|--|-----------------------------|---------------------------|---------------------------|
| FROM - INVESTIGATOR'S NAME<br>Socorro Sevilla |  |                      |                                    | RANK<br>INV                                | STAR NO<br>283   | SOCIAL SEC NO               | EMPLOYEE NO<br>[REDACTED] | UNIT ASSIGN<br>113        |
| ADDRESS OF INCIDENT<br>[REDACTED]             |  |                      |                                    | DATE OF INCIDENT - TIME<br>23 NOV 02/ 1330 |  | BEAT OF INCIDENT            |                           | LOCATION CODE*<br>17      |
| ACCUSED                                       | NAME<br>1 Marvin Eng                             |                      |                                    | RANK<br>P.O.                               | STAR NO<br>11009   | SOCIAL SEC NO<br>[REDACTED] | EMPLOYEE NO<br>[REDACTED] | UNIT ASSIGN<br>013        |
|   | Unidentified                                     |                      |                                    |  |  |                             |                           |                           |
|   | SEX/RACE<br>1. M/A                               | DOB<br>[REDACTED] 70 | DATE OF APPOINTMENT<br>14 AUG 2000 |  | DUTY STATUS (TIME OF INCIDENT)<br>[X] ON DUTY [ ] OFF DUTY |                             | [X] SWORN<br>[ ] CIVILIAN | PHYS. COND. CODE<br>01    |
|   | 2  |                      |                                    | [ ] ON DUTY [ ] OFF DUTY                   |  | [ ] SWORN<br>[ ] CIVILIAN   |                           |                           |
|   | IF APPLICABLE - BASIC APPOINTMENT INDICATED<br>1 |                      | CHARGES                            |  | COURT BRANCH   | DISPOSITION & DATE          |                           |                           |
| COMPLAINANT                                   | NAME   |                      | ADDRESS**                          |  | CITY STATE   | TELEPHONE                   | SEX/RACE<br>M/B           | DOB /AGE<br>[REDACTED] 36 |
|   |  |                      |                                    |  |  |                             |                           | PHYS. COND. CODE<br>01    |
| VICTIMS                                       | NAME   |                      | ADDRESS**                          |  | CITY STATE   | TELEPHONE                   | SEX/RACE                  | DOB /AGE                  |
|   |  |                      |                                    |  |  |                             |                           | PHYS. COND. CODE          |
| WITNESSES                                     | NAME   |                      | ADDRESS**                          |  | CITY STATE   | TELEPHONE                   | SEX/RACE                  | DOB /AGE                  |
|   |  |                      |                                    |  |  |                             |                           | PHYS. COND. CODE          |

[X] SEE ATTACHED SHEET FOR ADDITIONAL ACCUSED, COMPLAINANTS, VICTIMS, WITNESSES

See Attached Report

I.A.D. LOCATION CODES\*

01 Food Sales/Restaurant  
02 Tavern/Liquor Store  
03 Other Business Establishment  
04 Police Building  
05 Lockup Facility  
06 Police Maintenance Facility  
07 CPD Automotive Pound Facility  
08 Other Police Property  
09 Police Communications System  
10 Court Room

11 Public Transportation Veh./Facility  
12 Park District Property  
13 Airport  
14 Public Property - Other  
15 Other Private Premise  
16 Expressway/Interstate System  
17 Public Way - Other  
18 Waterway, Incl. Park District  
19 Private Residence

I.A.D. PHYSICAL CONDITION CODES

01 No Visible Injury - Apparently Normal  
02 No Visible Injury - Under Influence  
03 Injured - Not Hospitalized  
04 Injured - Not Hospitalized - Under Influence  
05 Injured - Hospitalized  
06 Injured - Hospitalized - Under Influence  
07 Injured - Refused Medical Aid  
08 Injured - Refused Medical Aid - Under Influence  
09 Deceased  
10 Deceased - Under Influence

\*\* IF CPD MEMBER, LIST RANK, STAR, SOCIAL SECURITY, EMPLOYEE NOS. IN ADDRESS BOX. FAX/BELL IN TELEPHONE BOX.

Briefly summarize the investigation describing your efforts to prove or disprove the allegation(s). Indicate whether witnesses or evidence support or do not support the allegation(s).  
In sustained cases ONLY, copies of the accused member's Summary of Previous Disciplinary Actions and Record of Previous Complimentary History will be included as attachments.

\*\*\*\* SEE PAGE TWO \*\*\*\*

SUMMARY

ATTACHMENTS

INVESTIGATIVE REPORTS-  
SUPPORTING ALLEGATION  
LIST ATTACHMENT NUMBERS

11

INVESTIGATIVE REPORTS-  
SUPPORTING ACCUSED MEMBER(S)  
LIST ATTACHMENT NUMBERS:

2,3,4,5,6,25,27

PHYSICAL EVIDENCE  
LIST ATTACHMENT NUMBERS:

TOTAL NUMBER OF ATTACHMENTS  
SUBMITTED WITH THIS FILE:

31

Summarize the findings and recommendations. Rule violations will be cited by number only. One overall recommendation for Disciplinary Action will be made by the investigator. The recommendation will be for ALL sustained findings; recommendations will NOT be made for each sustained allegation. Example: 1. Violation noted, no disciplinary action warranted. 2. That the accused member be reprimanded. 3. That the accused member be suspended for .... days (not to exceed 5 days).

FINDINGS:

Accused Officer #1:

Allegation #1:

Allegation #2:

P.O. Marvin Eng #11009, Unit 013

Not Sustained

Not Sustained

Accused Officer #2:

Allegation #1:

Unidentified

Not Sustained

Office of Professional Standards, Dennis Crosby, #113

DATE INITIATED  
(DATE COMPLAINT WAS  
RECEIVED FOR INVESTIGATION)

29 NOV 02

DATE COMPLETED  
(DATE OF THIS  
REPORT)

31 DEC 02

ELAPSED TIME  
(TOTAL TIME  
EXPRESSED IN DAYS)

72 DAYS

Investigator will initiate the Command Channel Review  
for by completing the Investigator's Section

IF NECESSARY, USE AN 8 1/2 X 11" SHEET OF WHITE PAPER TO CONTINUE ANY ITEM.

OFFICE OF PROFESSIONAL STANDARDS  
CR 25980

Page

ALLEGATIONS:

On 25 November 02, at approximately 1036 hours, the complainant [REDACTED] telephoned the Office of Professional Standards and registered a complaint with Intake Aide Yolanda Toppins, Employee Number [REDACTED] alleges that on 23 November 02, at approximately 1330 hours [REDACTED] Officer Marvin Eng #11009:

- (1) Planted drugs on him, and
- (2) Struck him about the body.

[REDACTED] further alleges that on the same date/time and location several **unidentified** officers:

- (1) Struck him about the body, face, and head with closed fists.

INVESTIGATION:

In a telephone interview the complainant, [REDACTED] stated that on 23 November 2002, at approximately 1330 hours, he was having a conversation with [REDACTED] in [REDACTED]

[REDACTED] According to [REDACTED] a marked squad car approached them and two uniformed officers exited from the vehicle. The officers began to question [REDACTED]

[REDACTED] stated that he was ordered by the two officers to sit in the back seat of the squad car. [REDACTED] complied. The officers then drove [REDACTED] approximately two blocks south on Whipple, and as [REDACTED] inquired why he was being held, he looked at the screen inside the squad car and observed a message stating, "Look behind the building there's a bag." [REDACTED]

[REDACTED] related that they approached the rear of the building, and the passenger officer, a male/Asian exited from the vehicle. Shortly after, the Asian officer returned with a bag, and stated to [REDACTED]

[REDACTED] "You are in trouble." [REDACTED] was then driven to the police station. [REDACTED] indicated that he was not handcuffed and when the officers opened the squad car door, he fled.

[REDACTED] stated that he was apprehended [REDACTED] by approximately "twenty" uniformed Asian and Hispanic officers. [REDACTED] related that the officers struck him about the body, face, and head closed fists. [REDACTED] stated that he was transported to the police station, and placed in an interview room. [REDACTED] stated that once he was placed in the interview room an officer by the name of "Lopez" struck him several times on the chest with a closed fist. [REDACTED] stated that he read the officer's name from the name tag on his shirt. [REDACTED] stated that he requested medical treatment and was transported to [REDACTED]

INVESTIGATION CONTINUED:

The medical records from [REDACTED] reflect that [REDACTED] informed hospital personnel that he sustained his injuries by being "beaten up by the police." [REDACTED] diagnosed as having a facial contusion, hand sprain and blunt back trauma.

Department reports indicate that [REDACTED] was arrested and charged with Simple Battery, and Possession of a Controlled Substance. The arrest report indicates that [REDACTED] resisted arrest and caused injury to Officer Marvin Eng #11009.

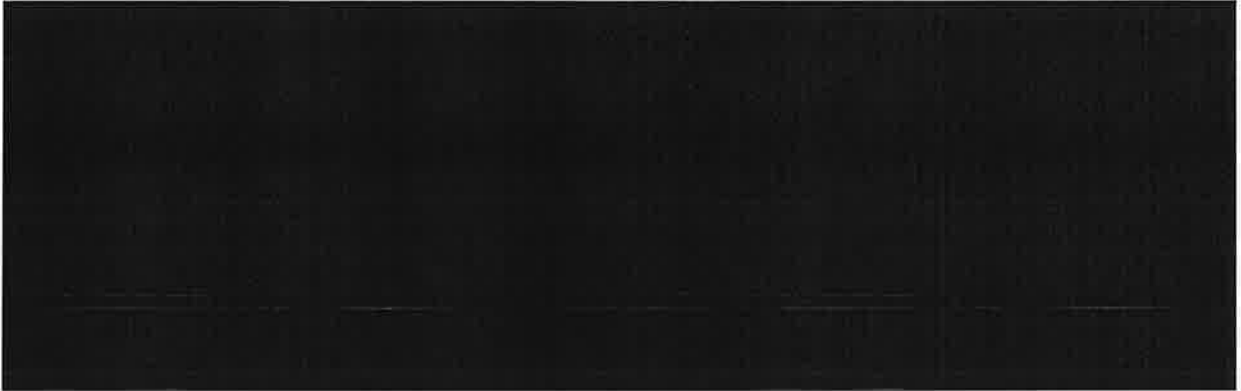
The Attendance and Assignment records show that there are several officers assigned to the 013<sup>th</sup> District with the last name "Lopez." [REDACTED] failed to cooperate with this investigation by missing his appointment to view photographs at the Internal Affairs Division.

In a To-From Report, accused officer Marvin Eng #11009, stated he responded to a Drug Selling call [REDACTED] Officer Eng denied planting any drugs on [REDACTED]

In a To-From Report, witness officer Frederick G. Gopez #13205, stated that he and his partner, Officer Eng responded to a call of "Selling Drugs." Officer Gopez did not observe Officer Eng plant drugs on [REDACTED] in [REDACTED]

OFFICE OF PROFESSIONAL STANDARDS  
CR 285980  
CONCLUSION:

Page5



BUREAU OF INTERNAL AFFAIRS  
Investigations Division – South


08 June 2015  
Log #1073471

To: Juan Rivera  
Chief  
Bureau of Internal Affairs

From: Joseph Dickman # 1805  
Sergeant  
Bureau of Internal Affairs – General Investigations South


Subject: Approval of Investigation for Log #1073471

The attached investigation has been completed and submitted for your approval.



Joseph Dickman # 1805  
Sergeant  
BIA – General Investigations South

Approved:



Case Management Supervisor – Joseph Stehlik  
Sergeant  
Bureau of Internal Affairs – General Investigations

**SUMMARY REPORT DIGEST**  
**CHICAGO POLICE DEPARTMENT**LOG NO  
1073471TYPE  
CRDATE OF REPORT  
08-JUN-2015

INSTRUCTIONS: To be used in all cases that are to be classified as either EXONERATED, UNFOUNDED, NOT SUSTAINED, NO AFFIDAVIT, or in SUSTAINED cases where the Disciplinary Recommendation does not exceed Five (5) DAYS SUSPENSION.

TO: CHIEF, BUREAU OF INTERNAL AFFAIRS

| FROM - INVESTIGATOR'S NAME | RANK | STAR NO | EMPLOYEE NO | UNIT ASSIGNED | UNIT DETAILED |
|----------------------------|------|---------|-------------|---------------|---------------|
| DICKMAN, JOSEPH            | 9171 | 1805    |             | 121           |               |

REFERENCE NOS.(LIST ALL RELATED C.L., C.B., I.R., INVENTORY NOS., ETC., PERTINENT OF THIS INVESTIGATION)

INCIDENT ADDRESS: DATE / TIME: 12-JAN-2015 12:00 BEAT: 1021

**ACCUSED**

| NAME              | RANK | STAR NO | EMP NO | UNIT ASSIGNED | UNIT DETAILED | SEX/RACE | DOB | APPOINTED DATE | ON DUTY ? | SWORN ? |
|-------------------|------|---------|--------|---------------|---------------|----------|-----|----------------|-----------|---------|
| SANDOVAL, JOHN D  | 9161 | 7573    |        | 010           |               | M / S    |     | 09-JUL-2007    | YES       | YES     |
| DURAN, JOSE L     | 9161 | 13930   |        | 010           |               | M / S    |     | 27-MAR-2006    | YES       | YES     |
| BOCANEGRA, MARCOS | 9161 | 13191   |        | 010           |               | M / S    |     | 10-MAY-1999    | YES       | YES     |
| ALONZO, SHAWN P   | 9161 | 10081   |        | 010           |               | M / API  |     | 31-OCT-2005    | YES       | YES     |
| HONDA, DANIEL C   | 9161 | 3478    |        | 010           |               | M / API  |     | 28-APR-2003    | YES       | YES     |
| ROMERO, MIGUEL A  | 9161 | 9955    |        | 010           |               | M / S    |     | 10-MAY-1999    | YES       | YES     |
| LOPEZ, DAVID      | 9161 | 12685   |        | 010           |               | M / S    |     | 29-NOV-1999    | YES       | YES     |
| VAZQUEZ, GERMAN J | 9171 | 2316    |        | 010           |               | M / S    |     | 04-MAR-1985    | YES       | YES     |

**REPORTING PARTY**

| NAME | ADDRESS* | CITY STATE | TELEPHONE | SEX / RACE | DOB / AGE |
|------|----------|------------|-----------|------------|-----------|
|      |          |            |           | F / BLK    | 1984 / 30 |

**VICTIMS**

| NAME | ADDRESS* | CITY STATE | TELEPHONE | SEX / RACE | DOB / AGE |
|------|----------|------------|-----------|------------|-----------|
|      |          |            |           | F / BLK    | 1984 / 30 |

**WITNESSES**

| NAME | ADDRESS* | CITY STATE | TELEPHONE | SEX / RACE | DOB / AGE |
|------|----------|------------|-----------|------------|-----------|
|------|----------|------------|-----------|------------|-----------|

\* IF CPD MEMBER, LIST RANK, STAR, EMPLOYEE NOS. IN ADDRESS, PAX/BELL IN TELEPHONE BOX.

# SUMMARY REPORT DIGEST

CHICAGO POLICE DEPARTMENT

LOG NO

1073471

TYPE

CR

DATE OF REPORT

05-JUN-2015

INSTRUCTIONS: To be used in all cases that are to be classified as either EXONERATED, UNFOUNDED, NOT SUSTAINED, NO AFFIDAVIT, or in SUSTAINED cases where the Disciplinary Recommendation does not exceed Five (5) DAYS SUSPENSION.

## ALLEGATIONS

SEE ATTACHED

## SUMMARY

SEE ATTACHED

## ATTACHMENTS

| INVESTIGATIVE REPORTS -<br>SUPPORTING ALLEGATIONS LIST<br>ATTACHMENTS NUMBER | INVESTIGATIVE REPORTS -<br>SUPPORTING ACCUSED MEMBERS(S)<br>LIST ATTACHMENTS NUMBER: | PHYSICAL EVIDENCE<br>LIST ATTACHMENTS<br>NUMBERS: | TOTAL NUMBER OF<br>ATTACHMENTS SUBMITTED<br>WITH THIS FILE: |
|--|--|---|---|
| 3,5,6,10   | 6,7,8,12,14,16,18,20,22,24,26,28   | 8,11,16   | 29  |

## FINDINGS - RECOMMENDATIONS

SEE ATTACHED

DATE INITIATED  
(Date incident was received for investigation)

26-JAN-2015

DATE COMPLETED (Date of this report)

08-JUN-2015

ELAPSED TIME  
(Total time expressed in days)

133

Investigator will initiate the Command Channel Review form by  
completing the Investigator's Section.

IF NECESSARY, USE AN 8 1/2 x 11" SHEET OF WHITE PAPER TO CONTINUE ANY ITEM.

**ALLEGATION:**

**Accused:** Police Officer John SANDOVAL, Star #7573, Empl. # [REDACTED] Unit 010.

**Allegation #1:** It is alleged by [REDACTED] that on 12-JAN-15, at approximately 1200 hours, at the location of [REDACTED] Police Officer John SANDOVAL #7573 entered her apartment with a search warrant and cut open her futon mattress.

**Allegation #2:** It is alleged by [REDACTED] that on 12-JAN-15, at approximately 1200 hours, at the location of [REDACTED] Police Officer John SANDOVAL #7573, entered her apartment with a search warrant and opened and stepped on packages of food.

**Allegation #3:** It is alleged by [REDACTED] that on 12-JAN-15, at approximately 1200 hours, at the location of [REDACTED] Police Officer John SANDOVAL #7573, entered her apartment with a search warrant and threw clothing onto the floor and walked on the clothes making them muddy.

**Allegation #4:** It is alleged by [REDACTED] that on 12-JAN-15, at approximately 1200 hours, at the location of [REDACTED] Police Officer John SANDOVAL #7573, entered her apartment with a search warrant that did not specifically authorize entry to her apartment [REDACTED]

**Accused:** Police Officer, Jose DURAN Star #13930, Empl. # [REDACTED] Unit 010.

**Allegation #1:** It is alleged by [REDACTED] that on 12-JAN-15, at approximately 1200 hours, at the location of [REDACTED] Police Officer Jose DURAN Star #13930 entered her apartment with a search warrant and cut open her futon mattress.

**Allegation #2:** It is alleged by [REDACTED] that on 12-JAN-15, at approximately 1200 hours, at the location of [REDACTED] Police Officer Jose DURAN Star #13930, entered her apartment with a search warrant and opened and stepped on packages of food.

**Allegation #3:** It is alleged by [REDACTED] that on 12-JAN-15, at approximately 1200 hours, at the location of [REDACTED] Police Officer Jose DURAN Star #13930, entered her apartment with a search warrant and threw clothing onto the floor and walked on the clothes making them muddy.

**Accused:** Police Officer Marcos BOCANEGRA, Star #13191, Empl. # [REDACTED] Unit 010.

**Allegation #1:** It is alleged by [REDACTED] that on 12-JAN-15, at approximately 1200 hours, at the location of [REDACTED] Police Officer Marcos BOCANEGRA, Star #13191, entered her apartment with a search warrant and cut open her futon mattress.

**Allegation #2:** It is alleged by [REDACTED] that on 12-JAN-15, at approximately 1200 hours, at the location of [REDACTED] Police Officer Marcos BOCANEGRA, Star #13191, entered her apartment with a search warrant and opened and stepped on packages of food.

**Allegation #3:** It is alleged by [REDACTED] that on 12-JAN-15, at approximately 1200 hours, at the location of [REDACTED] Police Officer Marcos BOCANEGRA, Star #13191, entered her apartment with a search warrant and threw clothing onto the floor and walked on the clothes making them muddy.

**Accused:** Police Officer Shawn ALONZO, Star #10081, Empl. [REDACTED] Unit 010.

**Allegation #1:** It is alleged by [REDACTED] that on 12-JAN-15, at approximately 1200 hours, at the location of [REDACTED] Police Officer Shawn ALONZO, Star #10081, entered her apartment with a search warrant and cut open her futon mattress.

**Allegation #2:** It is alleged by [REDACTED] that on 12-JAN-15, at approximately 1200 hours, at the location of [REDACTED] Police Officer Shawn ALONZO, Star #10081, entered her apartment with a search warrant and opened and stepped on packages of food.

**Allegation #3:** It is alleged by [REDACTED] that on 12-JAN-15, at approximately 1200 hours, at the location of [REDACTED] Police Officer Shawn ALONZO, Star #10081, entered her apartment with a search warrant and threw clothing onto the floor and walked on the clothes making them muddy.

**Accused:** Police Officer Daniel HONDA, Star #3478, Empl. # [REDACTED] Unit 010.

**Allegation #1:** It is alleged by [REDACTED] that on 12-JAN-15, at approximately 1200 hours, at the location of [REDACTED] Police Officer Daniel HONDA, Star #3478, entered her apartment with a search warrant and cut open her futon mattress.

**Allegation #2:** It is alleged by [REDACTED] that on 12-JAN-15, at approximately 1200 hours, at the location of [REDACTED] Police Officer Daniel

HONDA, Star #3478, entered her apartment with a search warrant and opened and stepped on packages of food.

**Allegation #3:** It is alleged by [REDACTED] that on 12-JAN-15, at approximately 1200 hours, at the location of [REDACTED], Police Officer Daniel HONDA, Star #3478, entered her apartment with a search warrant and threw clothing onto the floor and walked on the clothes making them muddy.

**Accused:** Police Officer Miguel ROMERO, Star #9955, Empl. # [REDACTED] Unit 010.

**Allegation #1:** It is alleged by [REDACTED] that on 12-JAN-15, at approximately 1200 hours, at the location of [REDACTED], Police Officer Miguel ROMERO, Star #9955, entered her apartment with a search warrant and cut open her futon mattress.

**Allegation #2:** It is alleged by [REDACTED] that on 12-JAN-15, at approximately 1200 hours, at the location of [REDACTED], Police Officer Miguel ROMERO, Star #9955, entered her apartment with a search warrant and opened and stepped on packages of food.

**Allegation #3:** It is alleged by [REDACTED] that on 12-JAN-15, at approximately 1200 hours, at the location of [REDACTED], Police Officer Miguel ROMERO, Star #9955, entered her apartment with a search warrant and threw clothing onto the floor and walked on the clothes making them muddy.

**Accused:** Police Officer David LOPEZ, Star #12685, Empl. # [REDACTED] Unit 010.

**Allegation #1:** It is alleged by [REDACTED] that on 12-JAN-15, at approximately 1200 hours, at the location of [REDACTED], Police Officer David LOPEZ, Star #12685, entered her apartment with a search warrant and cut open her futon mattress.

**Allegation #2:** It is alleged by [REDACTED] that on 12-JAN-15, at approximately 1200 hours, at the location of [REDACTED], Police Officer David LOPEZ, Star #12685, entered her apartment with a search warrant and opened and stepped on packages of food.

**Allegation #3:** It is alleged by [REDACTED] that on 12-JAN-15, at approximately 1200 hours, at the location of [REDACTED], Police Officer David LOPEZ, Star #12685, entered her apartment with a search warrant and threw clothing onto the floor and walked on the clothes making them muddy.

**Accused:** Sergeant German VAZQUEZ, Star #2316, Empl. # [REDACTED] Unit 010.

**Allegation #1:** It is alleged by [REDACTED] that on 12-JAN-15, at approximately 1200 hours, at the location of [REDACTED] Sergeant German VAZQUEZ, Star #2316, entered her apartment with a search warrant and cut open her futon mattress.

**Allegation #2:** It is alleged by [REDACTED] that on 12-JAN-15, at approximately 1200 hours, at the location of [REDACTED] Sergeant German VAZQUEZ, Star #2316, entered her apartment with a search warrant and opened and stepped on packages of food.

**Allegation #3:** It is alleged by [REDACTED] that on 12-JAN-15, at approximately 1200 hours, at the location of [REDACTED] Sergeant German VAZQUEZ, Star #2316, entered her apartment with a search warrant and threw clothing onto the floor and walked on the clothes making them muddy.

## INVESTIGATION

On 26-JAN-15 the undersigned received this case for investigation. 17-FEB-15 the undersigned interviewed the complainant, [REDACTED]. The complainant related that on 12-JAN-15 she arrived home to [REDACTED] and found her apartment "all tore up." The complainant stated that the back door had been damaged as if it had been forced open, everything had been thrown out of her closet, her clothes were taken out of her dresser and thrown on the floor, her bathroom towels were on the floor, and packages of food had been opened and on the floor in the kitchen. The complainant further stated that her futon mattress was cut down the side in an apparent attempt to look inside. According to the complainant, her clothes were muddy in that they had been stepped on, and the packages of food that were on the floor in the kitchen had to be thrown away in that they had also been stepped on. The complainant stated that the copy of the search warrant that had been left for her did not specify which third floor apartment the warrant authorized to be searched. The complainant explained that she lived in [REDACTED] and that although the search warrant did not identify the apartment number, it did cite the name a person, [REDACTED] which is the name of [REDACTED]. The complainant stated that she had no complaint about the back door damage in that it was not her door and the landlord had it repaired.

On 25-MAR-15 the complainant dropped off photographs to the undersigned which allegedly showed the condition of the complainant's apartment as she found it after the execution of the search warrant. Additionally, the complainant clarified that she was making an allegation that the officers entered her apartment without a warrant that specified which apartment the warrant allowed to be searched.

With respect to the allegations of the complainant regarding clothes allegedly thrown to the floor and muddied, boxes of food allegedly opened and stepped on, as well as a futon mattress that was allegedly cut open, the undersigned identified as the accused all of the entry officers including Sgt. German VAZQUEZ, and the affiant, P.O. John SANDOVAL. Additionally, the undersigned identified P.O. SANDOVAL as the accused relative to the complainant's allegation that the officers entered her apartment without a warrant that specified which apartment the warrant allowed to be searched.

All of the accused submitted reports addressing the allegations, and P.O. SANDOVAL provided a statement. None of the officers or the sergeant stated that they committed any of the actions that were alleged by the complainant. None of the officers or the sergeant stated that they observed any other members commit any of the actions that were alleged by the complainant. Officers SANDOVAL, DURAN, and HONDA did state that food items were already on the kitchen floor prior to their entry. P.O. DURAN stated that he did remove food items from the pantry and place them neatly on the floor.

The undersigned did review the photographs provided by the complainant as well as the entry and exit photographs that were taken by P.O. HONDA. The exit photographs did not show clothing on the floor, but did not show the entire floor area of the apartment. The photographs that were provided by the complainant did show some clothing on the floor, but it could not be determined from the photographs whether they had been stepped on or muddied. The photographs provided by the complainant did show a futon mattress that had apparently been cut down the side. The entry and exit photos did not show the futon mattress in a manner whereby it could be determined if it had been cut open. The photographs provided by the complainant, as well as the photographs taken by P.O. HONDA, did show that several items were placed together in a section of the kitchen floor outside of the pantry, and did not depict what was described by the complainant.

With respect to the allegation that the officers entered her apartment with a search warrant that did not specifically authorize entry to [REDACTED] the undersigned reviewed a copy of the Search Warrant and the Complaint for Search Warrant. The review of said documents revealed that the Search Warrant did not specify the specific apartment to be searched by number, and identified the premises to be searched only as the "Third floor apartment of a multi unit apartment building located at [REDACTED] The Complaint for Search Warrant revealed that information to obtain the Search Warrant was provided by a subject referred to as J. DOE, who described the specific location of the apartment in question as the rear door to the south at the third floor landing of [REDACTED] The Complaint for Search Warrant and the Search Warrant were each signed by Judge Angela PETRONE. On 21-APR-15 the undersigned conducted a location visit to [REDACTED] and verified that the rear entry of the [REDACTED] was to the south at the third floor landing, as stated in the Complaint for Search Warrant, and [REDACTED] was to the north. Therefore, in that it is clear that the Search Warrant was issued for the apartment specifically described in the Complaint for Search Warrant,

which was the complainant's [REDACTED] the Search Warrant did authorize entry into apartment into her apartment.

**FINDINGS**

**Accused:** Police Officer John SANDOVAL, Star #7573, Empl. # [REDACTED] Unit 010.

**Allegation #1:** Not Sustained – Insufficient evidence either to prove or disprove the allegation.

**Allegation #2:** Unfounded – The allegation is false or not factual.

**Allegation #3:** Not Sustained – Insufficient evidence either to prove or disprove the allegation.

**Allegation #4:** Unfounded – The allegation is false or not factual.

**RECOMMENDATION:** [REDACTED]

**Accused:** Police Officer, Jose DURAN Star #13930, Empl. # [REDACTED] Unit 010.

**Allegation #1:** Not Sustained – Insufficient evidence either to prove or disprove the allegation.

**Allegation #2:** Unfounded – The allegation is false or not factual.

**Allegation #3:** Not Sustained – Insufficient evidence either to prove or disprove the allegation.

**RECOMMENDATION:** [REDACTED]

**Accused:** Police Officer Marcos BOCANEGRA, Star #13191, Empl. # [REDACTED] Unit 010.

**Allegation #1:** Not Sustained – Insufficient evidence either to prove or disprove the allegation.

**Allegation #2:** Unfounded – The allegation is false or not factual.

**Allegation #3:** Not Sustained – Insufficient evidence either to prove or disprove the allegation.

**RECOMMENDATION:** [REDACTED]

**Accused:** Police Officer Shawn ALONZO, Star #10081, Empl. # [REDACTED] Unit 010.

**Allegation #1:** Not Sustained – Insufficient evidence either to prove or disprove the allegation.

**Allegation #2:** Unfounded – The allegation is false or not factual.

**Allegation #3:** Not Sustained – Insufficient evidence either to prove or disprove the allegation.

**RECOMMENDATION:** [REDACTED]

**Accused:** Police Officer Daniel HONDA, Star #3478, Empl. # [REDACTED] Unit 010.

**Allegation #1:** Not Sustained – Insufficient evidence either to prove or disprove the allegation.

**Allegation #2:** Unfounded – The allegation is false or not factual.

**Allegation #3:** Not Sustained – Insufficient evidence either to prove or disprove the allegation.

**RECOMMENDATION:** [REDACTED]

**Accused:** Police Officer Miguel ROMERO, Star #9955, Empl. # [REDACTED] Unit 010.

**Allegation #1:** Not Sustained – Insufficient evidence either to prove or disprove the allegation.

**Allegation #2:** Unfounded – The allegation is false or not factual.

**Allegation #3:** Not Sustained – Insufficient evidence either to prove or disprove the allegation.

**RECOMMENDATION:** [REDACTED]

**Accused:** Police Officer David LOPEZ, Star #12685, Empl. # [REDACTED] Unit 010.

**Allegation #1:** Not Sustained – Insufficient evidence either to prove or disprove the allegation.

**Allegation #2:** Unfounded – The allegation is false or not factual.

**Allegation #3:** Not Sustained – Insufficient evidence either to prove or disprove the allegation.

**RECOMMENDATION:** [REDACTED]

**Accused:** Sergeant German VAZQUEZ, Star #2316, Empl. [REDACTED] Unit 010.

**Allegation #1:** Not Sustained – Insufficient evidence either to prove or disprove the allegation.

**Allegation #2:** Unfounded – The allegation is false or not factual.

**Allegation #3:** Not Sustained – Insufficient evidence either to prove or disprove the allegation.

**RECOMMENDATION:** [REDACTED]

**DATE INITIATED:** 26-JAN-2015

**DATE COMPLETED:** 08-JUN-2015

**ELAPSED TIME:** 133 Days

[REDACTED]  
~~Joseph Dickman~~ # 1805  
Sergeant  
BIA– Investigations South

Approved:

[REDACTED]  
Case Management Supervisor – Joseph Stehlik  
Sergeant  
Bureau of Internal Affairs

Attachments for Log #1073471

| No. | Type  | No. of<br>Pages | Narrative                        |
|-----|---|-----------------|----------------------------------|
| 1   | FACE SHEET  |                 |                                  |
| 2   | CONFLICT CERTIFICATION                                    |                 |                                  |
| 3   | SWORN AFFIDAVIT FROM COMPLAINANT                          | 1               | Signed by Complainant            |
| 4   | TO/FROM REPORT  | 1               | Attempt to Contact Complainant   |
| 5   | INTERVIEW - VICTIM  | 1               |                                  |
| 6   | SEARCH WARRANT  | 4               | Warrant Documents                |
| 7   | SEARCH WARRANT  | 3               | Data Sheets                      |
| 8   | INVENTORY SHEET   | 21              | Photographs                      |
| 9   | REPORT (OTHER)  | 2               | Case Report                      |
| 10  | TO/FROM REPORT  | 1               | Follow-Up with Complainant       |
| 11  | PHOTOGRAPH  | 12              | Victim's Apartment Photos        |
| 12  | TO/FROM REPORT  | 1               | Visit to Complainant's residence |
| 13  | ACCUSED NOTIFICATION OF ALLEGATIONS FOR VAZQUEZ, GERMAN   |                 |                                  |
| 14  | ACCUSED REPORT  | 1               | Sgt. Vazquez                     |
| 15  | ACCUSED NOTIFICATION OF ALLEGATIONS FOR DURAN, JOSE       |                 |                                  |
| 16  | ACCUSED REPORT  | 19              | P.O. Duran                       |
| 17  | ACCUSED NOTIFICATION OF ALLEGATIONS FOR HONDA, DANIEL     |                 |                                  |
| 18  | ACCUSED REPORT  | 1               | P.O. Honda                       |
| 19  | ACCUSED NOTIFICATION OF ALLEGATIONS FOR BOCANEGRA, MARCOS |                 |                                  |
| 20  | ACCUSED REPORT  | 1               | P.O. Bocanegra                   |
| 21  | ACCUSED NOTIFICATION OF ALLEGATIONS FOR ALONZO, SHAWN     |                 |                                  |
| 22  | ACCUSED REPORT  | 1               | P.O. Alonzo                      |
| 23  | ACCUSED NOTIFICATION OF ALLEGATIONS FOR LOPEZ, DAVID      |                 |                                  |
| 24  | ACCUSED REPORT  | 1               | P.O. Lopez                       |
| 25  | ACCUSED NOTIFICATION OF ALLEGATIONS FOR ROMERO, MIGUEL    |                 |                                  |
| 26  | ACCUSED REPORT  | 1               | P.O. Romero                      |
| 27  | ACCUSED NOTIFICATION OF ALLEGATIONS FOR SANDOVAL, JOHN    |                 |                                  |
| 28  | ACCUSED REPORT  | 7               | P.O. Sandoval (Affiant)          |
| 29  | CERTIFIED MAIL RECEIPT                                    | 6               | Mail Documents                   |

SUMMARY REPORT DIGEST-  
COMPLAINT REGISTER INVESTIGATION NO.:  
CHICAGO POLICE DEPARTMENT

247776

DATE OF REPORT (DAY-MO.-YEAR)  
10 November 1998  
16 December 1998T

To be used in all cases that are to be classified as either EXONERATED, UNFOUNDED, NOT SUSTAINED, or in SUSTAINED cases where the Disciplinary Recommendation does not exceed FIVE (5) DAYS SUSPENSION.

SUBMIT ORIGINAL AND 3 COPIES IF ASSIGNED TO SAME UNIT AS ACCUSED.  
SUBMIT ORIGINAL AND 4 COPIES IF NOT ASSIGNED TO SAME UNIT AS ACCUSED.

TO: SUPERINTENDENT OF POLICE  
ATTENTION ☒ ADMINISTRATOR IN CHARGE, OFFICE OF PROFESSIONAL STANDARDS  
☐ ASSISTANT DEPUTY SUPERINTENDENT, INTERNAL AFFAIRS DIVISION

|  |          |                         |                     |                  |   |              |
|--|----------|-------------------------|---------------------|------------------|---|--------------|
| FROM-INVESTIGATOR'S NAME               |          | RANK                    | STAR NO.            | SOCIAL SEC. NO.  | EMPLOYEE NO.  | UNIT ASSIGN. |
| R.E.Fundarek                           |          | Inv.                    | 96                  |                  |   | 113          |
| ADDRESS OF INCIDENT                    |          | DATE OF INCIDENT - TIME |                     | BEAT OF INCIDENT | LOCATION CODE *   |              |
|  |          | 01 August 98 2300       |                     | 1231             | 17  |              |
| NAME                                   |          | RANK                    | STAR NO.            | SOCIAL SEC. NO.  | EMPLOYEE NO.  | UNIT ASSIGN. |
| 1. Patrick McDonough                   |          | PO                      | 19921               |                  |   | 012          |
| 2. Robert J. Poholik                   |          | PO                      | 10721               |                  |   | 012          |
| ACCUSED                                | SEX/RACE | D.O.B.                  | DATE OF APPOINTMENT |                  | DUTY STATUS (TIME OF INCIDENT)  |              |
|  | 1. M/W   |                         | 68                  | 08 July 96       | <input checked="" type="checkbox"/> ON DUTY <input type="checkbox"/> OFF DUTY |              |
|  |          |                         |                     |                  | <input checked="" type="checkbox"/> SWORN <input type="checkbox"/> CIVILIAN   |              |
|  | 2. M/H   |                         | 66                  | 29 June 92       | <input checked="" type="checkbox"/> ON DUTY <input type="checkbox"/> OFF DUTY |              |
|  |          |                         |                     |                  | <input checked="" type="checkbox"/> SWORN <input type="checkbox"/> CIVILIAN   |              |
| IF APPLICABLE - DATE ARRESTED/INDICTED |          | CHARGES                 |                     | COURT BRANCH     | DISPOSITION & DATE  |              |
| 1.                                     |          |                         |                     |                  |   |              |
| 2.                                     |          |                         |                     |                  |   |              |
| COMPLAINANTS                           | NAME     | ADDRESS**               | CITY STATE          | TELEPHONE        | SEX/RACE  | D.O.B./AGE   |
|  |          |                         |                     |                  | M/B   | 48           |
| VICTIMS                                | NAME     | ADDRESS**               | CITY STATE          | TELEPHONE        | SEX/RACE  | D.O.B./AGE   |
|  |          |                         |                     |                  |   |              |
| WITNESSES                              | NAME     | ADDRESS**               | CITY STATE          | TELEPHONE        | SEX/RACE  | D.O.B./AGE   |
|  |          |                         |                     |                  |   |              |

SEE ATTACHED SHEET FOR ADDITIONAL ACCUSED, COMPLAINANTS, VICTIMS, WITNESSES.

ALLEGATIONS  
The complaint was received via telephone on 19 August 1998 at 0930 hours with the Office of Professional Standards. [REDACTED] alleged that on 01 August 1998 at 2300 hours Officer McDonough while in the vicinity of [REDACTED]: 1) sprayed him with pepper spray, twice, 2) struck him with a flashlight about his body and elbow, 3) kicked his feet from under him, causing him to fall to the ground and cut his hand on broken glass and 4) handcuffed him too tightly. It is further alleged that Officer Poholik 5) failed to take any action when he observed his partner physically abusing the complainant.

I.A.D. LOCATION CODES\*

|                                  |  |
|----------------------------------|--|
| 01 Food Sales/Restaurant         | 11 Public Transportation Veh./Facility |
| 02 Tavern/Liquor Store           | 12 Park District Property              |
| 03 Other Business Establishment  | 13 Airport                             |
| 04 Police Building               | 14 Public Property - Other             |
| 05 Lockup Facility               | 15 Other Private Premise               |
| 06 Police Maintenance Facility   | 16 Expressway/Interstate System        |
| 07 CPD Automotive Pound Facility | 17 Public Way - Other                  |
| 08 Other Police Property         | 18 Waterway, Incl. Park District       |
| 09 Police Communications System  | 19 Private Residence                   |
| 10 Court Room                    |  |

I.A.D. PHYSICAL CONDITION CODES†

|   |
|---|
| 01 No Visible Injury - Apparently Normal          |
| 02 No Visible Injury - Under Influence            |
| 03 Injured, Not Hospitalized                      |
| 04 Injured, Not Hospitalized - Under Influence    |
| 05 Injured, Hospitalized                          |
| 06 Injured, Hospitalized - Under Influence        |
| 07 Injured, Refused Medical Aid                   |
| 08 Injured, Refused Medical Aid - Under Influence |
| 09 Deceased                                       |
| 10 Deceased - Under Influence                     |

\* IF CPD MEMBER, LIST RANK, STAR, SOCIAL SECURITY, EMPLOYEE NOS. IN ADDRESS BOX, PAX/BELL IN TELEPHONE BOX

CPD-44.112A (1/84)

C.R. NO. 247776

Briefly summarize the investigation describing your efforts to prove or disprove the allegation(s). Indicate whether witnesses or evidence support or do not support the allegation(s). In sustained cases ONLY, copies of the accused member's Summary of Previous Disciplinary Actions and Record of Previous Complimentary History will be included as attachments.

SUMMARY

SEE PAGE 2

| ATTACH-<br>MENTS | INVESTIGATIVE REPORTS--<br>SUPPORTING ALLEGATION<br>LIST ATTACHMENT NUMBERS: | INVESTIGATIVE REPORTS--<br>SUPPORTING ACCUSED MEMBER(S)<br>LIST ATTACHMENT NUMBERS: | PHYSICAL EVIDENCE<br>LIST ATTACHMENT NUMBERS: | TOTAL NUMBER OF ATTACHMENTS<br>SUBMITTED WITH THIS FILE: |
|------------------|--|---|---|--|
|                  | 2  | 23,26   | 3,4a,4b                                       | 33   |

Summarize the findings and recommendations. Rule violations will be cited by number only. One overall recommendation for Disciplinary Action will be made by the investigator. The recommendation will be for ALL sustained findings; recommendations will NOT be made for each sustained allegation.  
Example: 1. Violation noted, no disciplinary action warranted. 2. That the accused member be reprimanded. 3. That the accused member be suspended for ..... days (not to exceed 5 days).

FINDINGS:

ALLEGATIONS #1 - #4 Not Sustained against Officer Patrick McDonough #19921

ALLEGATION #5 Not Sustained against Officer Robert J. Poholik #10721

APPROVED:

OPS Supervisor Michael J. Duffy, Sr #14

|  |              |  |                |  |         |
|--|--------------|--|----------------|--|---------|
| DATE INITIATED<br>(DATE COMPLAINT WAS<br>RECEIVED FOR INVESTIGATION) | 24 August 98 | DATE COMPLETED<br>(DATE OF THIS<br>REPORT) | 10 November 98 | ELAPSED TIME<br>(TOTAL TIME,<br>EXPRESSED IN DAYS) | 79 days |
|--|--------------|--|----------------|--|---------|

Investigator will initiate the Command Channel Review form by completing the Investigator's Section

IF NECESSARY, USE AN 8 1/2 x 11" SHEET OF WHITE PAPER TO CONTINUE ANY ITEM

OFFICE OF PROFESSIONAL STANDARDS

Complaint Register #247776

Page 2

SUMMARY:

██████████ related in his signed statement that on the date and time in question, he was walking in the area of ██████████ when he was approached by two officers in uniform, now known as Officers McDonough and Poholik. At that point, someone from a building yelled "50" and they thought he did. ██████████ stated that one of the officers picked up a plastic bag of rock cocaine. ██████████ was handcuffed because the officers thought it belonged to him. He was patted down and searched. He was then placed in the back seat of the squad car. He thought he was going to be taken directly to the station, but instead, was driven to ██████████ up the ramp. Officer McDonough said that he was going to try a little experiment on him and sprayed him directly in his eyes with pepper spray and asked him how this felt. When ██████████ said it didn't feel good, Officer McDonough sprayed him a second time. When this occurred, he was out of the squad car at the time and in handcuffs. ██████████ said that Officer McDonough then struck him on his right elbow, back of his left leg and left hip with a flashlight. Officer McDonough then kicked his legs out from under him and he fell to the ground, cutting his left hand on some glass.

██████████ said that at that time, a black Bronco with a railroad security guard drove down. He pulled up to the police car and there was a conversation between the guard and the officers. Then, Officer McDonough said that if they found nothing in the back of the squad car, he would be released. The officers moved the back seat of the squad car and found a hypodermic needle with a substance in it. Officer McDonough said it was heroin. Other officers arrived on the scene and one of them asked ██████████ why he was bleeding from his hand. Officer McDonough said he fell. After that ██████████ was taken to the station on Racine and Monroe. Officer McDonough whispered to him that he shouldn't say anything and that when he went to court, he would drop the charges against him. ██████████ said that when a white Sergeant asked him what happened, he told him that he fell down. ██████████ said that he did tell the lockup keeper that he wanted to go to the hospital, and was taken to Cook County Hospital. He was treated and released and taken back to jail. When he came back to the station, his right arm was in a cast. He said that the hospital staff told him had torn ligaments.

The Arrest Report for ██████████ indicated that he was arrested on 31 July 1998 at 2330 hours, while in the vicinity of ██████████ Street by Officers McDonough and Poholik. The officers reported that the subject yelled "five-o" causing a crowd to disperse rapidly. He was placed into custody after a custodial search revealed one clear plastic bag containing white rock suspect cocaine. Also recovered was one hypo needle filled with suspect heroin from his right sleeve.

Plastic bags and needle were inventoried under ██████████

The Reporting Investigator went to the location of 16<sup>th</sup> and Ashland where ██████████ stated that this alleged incident occurred. There is a ramp that leads up to the railroad tracks. The

SUMMARY: (continued)

Reporting Investigator drove up this ramp and followed the road that runs adjacent to the tracks for approximately two blocks. The only building in the area is a factory. The Reporting Investigator could not locate any type of security building nor were there any security guards in the area.

The Medical Report for [REDACTED] indicated that he was admitted to the Cook County Hospital, escorted by the police on 01 August 1998, at 0133 hours. [REDACTED] stated to hospital personnel that he was hit with a stick and sprayed with pepper spray, while in police custody. The diagnoses revealed an [REDACTED] [REDACTED] was treated and released back into police custody. The Reporting Investigator interviewed [REDACTED] who treated [REDACTED] stated that he did not specifically recall treating [REDACTED] however, he did state a fractured elbow would not prevent a person from being mobile, but it would be very painful.

Photographs were taken of [REDACTED] by Evidence Technician L. Orpik, Star #4513 in the Office of Professional Standards at the request of Investigator R. E. Fundarek, Star #96. These photographs depict what appear to be handcuff marks to [REDACTED] right wrist.

Officer Gerald Kush, Star #18956, related in his signed report that on the date and time in question, he was working with his partner, Michael D'Ambrosia, on Beat 1254, when he observed Beat 1251, Officers Poholik and McDonough conducting a field interview of offender, [REDACTED]. When he and his partner approached the officers, the offender was being placed into custody for possession of a controlled substance. Officer Kush said that he did a protective pat down of the offender, which yielded one hypo needle from the offender's right shirt sleeve. [REDACTED] was then placed into Beat 1251 and transported to the 012<sup>th</sup> District. Officer Kush said that he and his partner were never at [REDACTED]. He stated that they left the area of [REDACTED] at approximately the same time as did Beat 1251 and transported to the 012<sup>th</sup> District. Officer Kush stated that he and his partner arrived at the 012<sup>th</sup> District Station approximately at the same time as did Officers McDonough and Poholik.

Officer Kush stated that at no time did [REDACTED] complain of any injury or physical abuse and never requested any medical attention. Officer Kush further stated that [REDACTED] never complained of being sprayed with pepper spray. Officer Kush said that he observed no signs of injury or physical abuse.

Officer D'Ambrosia, Star #12124, related in his signed report that he was working with Officer Kush when they observed Officers Poholik and McDonough conducting a field interview of [REDACTED] at [REDACTED]. Officer D'Ambrosia stated that he observed Officer Kush perform a protective pat down on [REDACTED] which yielded one hypo needle from [REDACTED] right

SUMMARY: (continued)

shirt sleeve. Officer D'Ambrosia observed no signs of injury or physical abuse to [REDACTED] nor did he complain of being injured or physically abused. Officer D'Ambrosia said that [REDACTED] never requested medical attention or complained about being sprayed with pepper spray.

Officer Patrick McDonough, Star #19921 related in his signed statement that on the date in question, he and his partner were patrolling the projects in the area of [REDACTED]. As they pulled up, a male yelled "50". He and his partner exited their vehicle and approached the subject, now known as [REDACTED]. [REDACTED] had a plastic bag of suspect Crack Cocaine in his left hand. A needle was also found inside his right sleeve of the shirt he was wearing. [REDACTED] was placed inside a squad car and taken to the 012<sup>th</sup> District for processing. Officer McDonough said that [REDACTED] gave them no problems as far as he can recall. Officer McDonough said that [REDACTED] was never taken to [REDACTED] but was taken directly to the station. Officer McDonough said he observed a cut on [REDACTED] hand while they were at the station. Officer McDonough said that he did not know that [REDACTED] was taken to the hospital until it was revealed to him by the Reporting Investigator. He did not see [REDACTED] after he was brought in for processing. Officer McDonough said he did not know that [REDACTED] suffered a fractured elbow. He also said that he did not use pepper spray on the complainant during the course of his arrest. Officer McDonough said he did not strike [REDACTED] with a flashlight about his body and elbow and did not have to use pepper spray on him because they had no problem with him. Officer McDonough denies all allegations against him.

Officer Robert J. Poholik, Star #10721, related in his signed statement that he and his partner, Officer McDonough were in the [REDACTED] when they heard a male black shout [REDACTED]. They exited their vehicle and began a field interview at [REDACTED]. A protective pat down yielded narcotics in [REDACTED] left hand. [REDACTED] also had a syringe in the long sleeve of his shirt. [REDACTED] was handcuffed by Officer McDonough and placed in custody. Officer Poholik said he does not recall if Officers Kush and D'Ambrosia pulled up while [REDACTED] was being placed in the squad car or at the time he was being placed in handcuffs. Officer Poholik said that he and his partner transported [REDACTED] to the station for processing. He stated that Officers Kush and D'Ambrosia came to the station right after they arrived with [REDACTED] but did not follow them there.

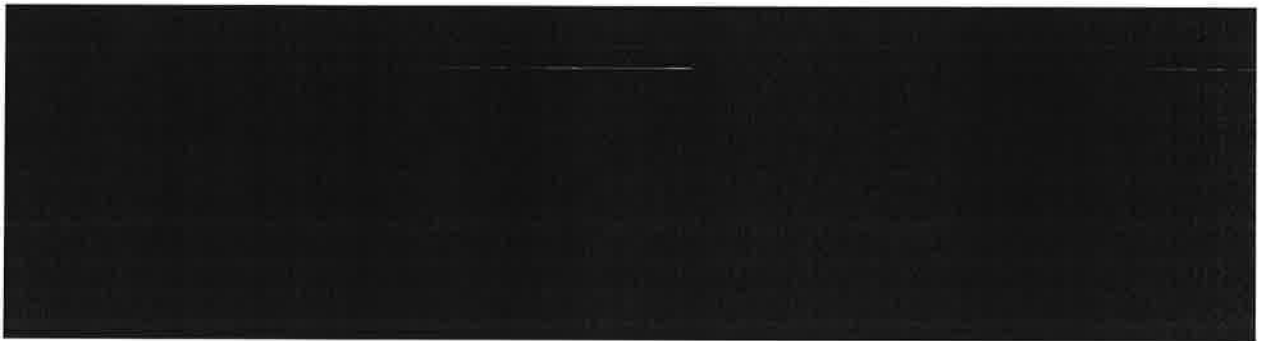
Officer Poholik stated that he did not recall seeing [REDACTED] hand bleeding and said he did not ask to go to a hospital. Officer Poholik stated that [REDACTED] was not taken to [REDACTED] near the railroad track ramp. Officer Poholik said that he and his partner took [REDACTED] to the lockup and left. Officer Poholik stated that [REDACTED] was taken directly from 13<sup>th</sup> Street to the district for processing. Officer Poholik stated that he never observed his partner, Officer McDonough, or any officer physically abuse [REDACTED]. Officer Poholik further stated that [REDACTED]

OFFICE OF PROFESSIONAL STANDARDS  
Complaint Register #247776  
Page 5

SUMMARY: (continued)

[REDACTED] was never sprayed with pepper spray. Officer Poholik stated that he did not know that [REDACTED] was taken to the hospital because after taking him to the lockup, he and his partner left.

CONCLUSION:



\pm